DOCUMENT RESUME

HE 008 938

ED 139 334

AUTHOR	Garfin, Molly, Comp.
TITLE	Collective Bargaining in Higher Education. Bibliography No. 5. (Incorporating Other Than Faculty Bibliography Vol. 3).
INSTITUTION	City Univ. of New York, N.Y. Bernard Baruch Coll. National Center for the Study of Collective Bargaining in Higher Education.
PUB DATE	Apr 77
NOTE	200p.
AVAILABLE FROM	National Center for the Study of Collective Bargaining in Higher Education, Baruch College - CUNY, 17 Lexington Avenue, New York, N.Y. 10010 ($10.00)
EDRS PRICE	MF-$0.83 Plus Postage. HC Not Available from EDRS.
DESCRIPTORS	Administrative Personnel; *Annotated Bibliographies; Arbitration; *Collective Bargaining; *College Faculty; *Court Cases; Grievance Procedures; *Higher Education; Indexes (Locaters); School Personnel; Subject Index Terms; Teacher Militancy; *Unions
IDENTIFIERS	National Labor Relations Board; Public Employment Relations Board

ABSTRACT

The fifth in a series of annual bibliographies, this collection represents an attempt to survey the literature of the field regarding faculty and nonfaculty in public and private colleges and universities. Primarily a source of current references for the year 1976, it also includes pre-1976 references in fields that are of particular interest but were not included in earlier bibliographies. Materials covered include books, periodical articles, research reports, unpublished reports, judicial and administrative agency decisions. Searches were made of the major journals in the field, as well as material relevant to arbitration awards, court decisions, elections, and National Labor Relations Board and Public Employment Relations Board rulings. A section called "Resources and Periodicals" offers further information on sources. Many organizations listed in the section "Useful Addresses" contributed data on meetings, speeches, and research reports. Subject areas include: academic freedom, accountability, administration, affirmative action, arbitration, collective bargaining, community colleges, contracts, discrimination, elections, evaluation, faculty attitudes, finances, fringe benefits, governance, grievance procedures, legislation, part-time employment, professionalism, retrenchment, salaries, public employment, strikes, students, tenure, trustees, unions, women, and workload. (LBH)

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Collective Bargaining in Higher Education

- FACULTY
- NON-FACULTY

Bibliography No. 5

with Author, Subject and Title Indexes

Compiled by Molly Garfin

April 1977

THE NATIONAL CENTER FOR
THE STUDY OF COLLECTIVE BARGAINING
IN HIGHER EDUCATION
Baruch College – CUNY

HE 008 938

COLLECTIVE BARGAINING IN HIGHER EDUCATION

BIBLIOGRAPHY NO. 5 APRIL 1977

(INCORPORATING OTHER THAN FACULTY BIBLIOGRAPHY VOL. 3)

Compiled by

Molly Garfin

The National Center for the Study of
Collective Bargaining in Higher Education
. Baruch College . CUNY

New York, N. Y.

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INTRODUCTION

The National Center is an impartial, nonprofit organization founded to perform and stimulate research and collect and disseminate information on collective bargaining in colleges and universities, and the related processes of grievance administration and arbitration, so that participants in this growing field may better perform their functions. Membership is drawn from institutions and individuals from all regions of the U.S.A. and Canada. Financing is primarily from membership fees, foundation grants, and income from various Center activities and services.

To help us to fulfill our goal of aiding participants in the field, we are continuing to produce publications that bring together new research material on topics of particular interest and controversy, as well as surveys of the literature of the field and comprehensive "current event" reviews of an ever-changing and growing field. For list of National Center publications and National Center activities and services see end pages of this publication.

This Bibliography, the fifth volume in the series of annual bibliographies, is published as an aid in keeping abreast of the growing volume of relevant literature now being published. We hope that this together with our other publications and services will prove effective in aiding professionals in this field.

Theodore H. Lang
Director

PREFACE

The Fifth Annual Bibliography, the latest in the series of bibliographies of retrospective and current searches in the field of Collective Bargaining in Higher Education, represents an attempt to survey the literature of the field as it relates to faculty and non-faculty in public or private colleges and univereities. This volume incorporates the "Other Than Faculty" Bibliography that has, in the past, been published separately.

Primarily a source of current references for the year 1976, it also includes pre-1976 references in fields that are of particular interest at this time, but were not included in earlier bibliographies.

Materials covered include books, periodical articles, research reports, unpublished reports, judicial and administrative agency decisions. An attempt has been made to search the major journals in the field, as well as material relevant to Arbitration Awards, Court Decisions, Elections, NLRB and Public Employment Relations Board rulings. The reader is referred to the section "Resources and Periodicals" for further information on sources. Many organizations listed in the section "Useful Addresses" kept the Center informed of meetings, speeches and research reports. "Bibliographies" on pages 149-50 lists published bibliographies that were useful in the compilation of this bibliography. Dissertation Abstracts and the Index to Legal Periodicals were additional useful sources of information.

We have endeavored to cover major sources of material and to publish a selective listing. However, we apologize for omissions and

errors and welcome your comments and corrections.

The Bibliography is divided into Faculty and Non-Faculty sections. It is arranged by Subject - see Table of Contents for major subject divisions - and alphabetically by author or title within each subject. We hope you will find this arrangement, along with the separate Author Indexes and Title Indexes, helpful in using this publication. The Subject Indexes beginning on pages 79 and 26a provide access to geographic areas and individual institutions as well as sub-divisions of major subjects.

Molly Garfin
Librarian

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COURT CASES - FEDERAL -(CALIF.)

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COURT CASES - FEDERAL - (COLO.)

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Upheld university's denial of appointment; court found that professor's actions interfered with university activities, and was not case of denial of freedom of speech.

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COURT CASES - FEDERAL - (D.C.)

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Constitutionality of the use of public funds for church-related and other non-public institutions; Court refused to become involved in internal matters of religious institutions.

COURT CASES - FEDERAL (FLA.)

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COURT CASES - FEDERAL - (FLA.) (cont'd.)

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Nontenured faculty member and judicial review of decision to terminate employment.

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COURT CASES - FEDERAL - (GA.)

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COURT CASES - FEDERAL - (ILL.)

191 Barszez v. Board of Trustees of Community College District No. 504, Cook County, Ill. (400 F. Supp. 675, N.D. Ill. ED 1975). The College Law Digest, 6(2), 34, March, 1976.

Termination of tenure and right to due process.

192 Cohen v. Illinois Institute of Technology. (524 F. 2d. 818, 7th Cir. 1975). Labor Relations Reporter. Labor Relations Expediter. Supp. 424: 140, Mar. 29, 1976. (Also in The College Law Digest, 6(2): 24, March, 1976).

Sex discrimination and compensation by state-regulated private university receiving small amount of state aid...is not action under state law... .

COURT CASES - FEDERAL - (IND.)

193 Fisher v. Pruis. (Ball State University). U.S. District Court, Ind., Civil Action No. IP 73-C-219, Sept. 13, 1976). The College Law Digest, 6(6): 133, Nov., 1976.

Dismissal of complaint of sex discrimination.

COURT CASES - FEDERAL - (IND.) (cont'd.)

194 Parker v. Indiana University of Pennsylvania. (Equal Employment Opportunity Commission, Pittsburgh District Office, Charge No. TPI 4-0334. Determination Aug. 12, 1975). The College Law Digest, 6(2): 27, March, 1976.
Charging party alleges denial of employment in retaliation for having shown objection to religious discrimination, is violation of Title VII.

195 Roseman v. Indiana University of Pennsylvania. (520 F. 2d. 1364 3d. Cir. 1975). The College Law Digest, 6(1): 7, Jan., 1976.
Decision not to renew her contract violates right to pre-termination hearing, alleges associate professor, and was in retaliation for ...free speech...and religious beliefs.

COURT CASES - FEDERAL - (LA.)

196 Chamblis v. Foote. (U.S. District Court, Eastern District of Louisiana, No. 74-1185, Civil Action, Section D, July 7, 1976). The College Law Digest, 6(5): 112, Sept., 1976.
Former nontenured faculty member of University of New Orleans charged that decision not to renew contract was result of discrimination; deprivation of due process. Overruled.

197 Heyn v. Board of Supervisors of Louisiana State University. (U.S. District Ct., Civil Action #73-2037, Section H, June 4, 1976). The College Law Digest, 6(5): 115, Sept., 1976.
Faculty member alleges denial of promotion in retaliation for exercise of constitutional right of freedom of speech. Claim dismissed.

COURT CASES - FEDERAL - (MD.)

198 Department of Justice files complaint in federal district court in Baltimore charging University of Maryland with discrimination in employment based upon race, in first employment complaint federal government ever filed against individual college or university. The Chronicle of Higher Education, oct. 23, 1975.

199 Judge had no right to stop HEW's Office of Civil Rights from taking State of Maryland to administrative hearing to determine if public colleges are still segregated and should lose federal money. Higher Education Daily, 1, July 2, 1976.

200 Pao v. Board of Trustees of Prince George's Community College. (Civil Action #M76-574. U.S. District Ct., District of Maryland). The College Law Digest, 6(6): 132, Nov., 1976.
Discrimination in employment based on race and national origin.

COURT CASES - FEDERAL - (MD.) (cont'd.)

201 Shaw v. Board of Trustees of Frederick Community College. (365 F. Supp. 872, D. Maryland 1975). The College Law Digest, 6(1): 6-7, Jan., 1976.
Discharged community college faculty members assert violation of civil and constitutional rights...after they joined other faculty members in boycotting certain required college activities.

202 United States of America v. The University of Maryland. (Civil Action No. M-75-1509). The College Law Digest, 6(2): 26-27, March, 1976.
Action brought by federal government to enforce provisions of Title VII of Civil Rights Act on complaint that promotion was denied to black woman to rank of associate professor because of her race.

COURT CASES - FEDERAL - (MICH.)

203 Board of Governors of Wayne State University v. Perry. (Civil Action No. 670039, E.D. Mich.). The College Law Digest, 6(4): 83, July, 1976.
Discrimination in employment based on sex.

204 Lake Michigan College Federation of Teachers v. Lake Michigan Community College. (390 F. Supp. 103; 480 F. 2d. 927; 518 F. 1091; petition for certiorari filed with U.S. Supreme Court No. 75-698; 44 L.W. 3351, Dec. 9, 1975). The College Law Digest, 6(2): 33, Mar., 1976.
Teachers in public community college discharged for engaging in illegal strike, did not have sufficient protected property interest in continued public employment to entitle them to hearing before discharge.

205 Peters v. Wayne State University. (Civil Action No. 670165, E.D. Mich.). The College Law Digest, 6(4): 83, July, 1976.
University violated Title VII by way in which it contributed to TIAA/CREF retirement fund. Discrimination based on sex charged.

COURT CASES - FEDERAL - (MINN.)

206 Setty v. Minnesota State College Board. (235 N.W. 2d. 594, 1975). The College Law Digest, 6(3): 62-63, May, 1976.
Nontenured faculty member not entitled to a pretermination hearing.

COURT CASES - FEDERAL - (MO.)

207 Mosby v. Webster College. (U.S. District Court, Eastern District of Missouri, #75-79 C(2), July 27, 1976). The College Law Digest, 6(6): 130. Nov., 1976.
Non-renewal of contract not based on discrimination based on race.

COURT CASES - FEDERAL - (NEB.)

208 Board of Regents of the University of Nebraska v. Dawes. (522 F. 2d. 380, 8th Cir. 1975). The College Law Digest, 6(2): 28, March, 1976. (Also in Government Employee Relations Report, 647: B-19, Mar. 8, 1976).
An attempt by a state university to equalize the pay of male and female faculty and professional employees was held to create a sex-biased difference in salary.

COURT CASES - FEDERAL - (NEV.)

209 Adamian v. Jacobson. (523 F. 2d. 929, 9th Cir. 1975). (University of Nevada). The College Law Digest, 6(2): 33, Mar., 1976.
Tenured professor discharged by university brings civil rights action and is reinstated.

COURT CASES - FEDERAL - (N.J.)

210 Bennun v. Board of Governors of Rutgers, N.J., etc. (Nos. 837-72 and 75-1621, May 21, 1976). Labor Relations Reporter - Decisions of the Courts, 92: FEP Cases 1393-1397, June 14, 1976.
State courts exercise concurrent jurisdiction with federal district courts of Title VII actions.

COURT CASES - FEDERAL - (N.Y.)

211 Carrion v. Yeshiva University (N.Y.). (71 Civil 3007; S.D., N.Y. July 31, 1975). The College Law Digest, 6(4): 83, July, 1976.
"Frivolous sex discrimination complaint" rules court.

212 Egelston v. State University College at Geneseo, et al. (U.S. District Court, Western District of New York, No. Civil 75-9, December 31, 1975). Labor Relations Reporter - Decisions of the Courts, 91(23): 12 FEP Cases 451, March 20, 1976.
Federal court will not entertain jurisdiction over assistant professor's action against state university for alleged unlawful employment practices, since has adequate remedy under state law.

COURT CASES - FEDERAL-(N.Y.) (cont'd.)

213 Niagara University and Niagara University Lay Teachers Association. (Case No. 3-UC-104, April 9, 1976). The College Law Digest, 6(4): 88, July, 1976.
Question of inclusion of priests and religious personnel in collective bargaining unit.

COURT CASES - FEDERAL - (OHIO)

214 Dunlap v. Kent State University. No. C75-55C, Feb. 14, 1976. Labor Relations Reporter - Wages and Hours, 91(89): 22 WH Cases 867-869, April 10, 1976.
Secretary of Labor's...action under equal pay standard against State University...will not be stayed pending outcome of National League of Cities case.

215 Sokolowsky v. Antioch College. (Court of Appeals for Green County, Ohio. Case No. 863, June 11, 1975). The College Law Digest, 6(3): 65, May, 1976.
Upheld a private college's lay-off of a tenured faculty member during retrenchment.

COURT CASES - FEDERAL - (PA.)

216 Johnson v. University of Pittsburgh, et al. (U.S. District Court, Western District of Pa., No. 73-120, January 29, 1974). Labor Relations Reporter - Decisions of the Courts, 91(9): 12 FEP Cases 118 - 121, February 7, 1976.
Whether parties not named in charge filed with EEOC can be sued under Title VII.

217 Johnson v. University of Pittsburgh, et al. (U.S. District Court, Western District of Pa., No. 73-120, June 4, 1974). Labor Relations Reporter - Decisions of the Courts, 91(9): 12 FEP Cases 121 - 126, February 7, 1976.
Concerns the right of person to sue under Title VII without first exhausting administrative remedies.

218 Kaminsky v. Bucknell University. (U.S. District Court for the Middle District of Pennsylvania. Civil Action No. 75-712). The College Law Digest, 6(3): 60, May, 1976.
Trial court refused plaintiff's request for reinstatement due to sex discrimination but the matter of damages was still pending.

COURT CASES - FEDERAL - (PA.) (cont'd.)

219 Keddie v. Pennsylvania State University. (No. 720581, Civ, M.D. Pa., February 28, 1976). The College Law Digest, 6(4): 85, July, 1976.
Denial of tenure brings action under provisions of Civil Rights Act, but denied due to academic performance evaulation.

220 Sanday, et al. v. Carnegie-Mellon University. (U.S. District Court, Western District of Pa., No. 75-256, December 19, 1975). Labor Relations Reporter - Decisions of the Courts, 91(9): 12 FEP Cases 101 - Cases 103, February 7, 1976.
University being sued under Title VII need not produce its affirmative action plans.

COURT CASES - FEDERAL - (TENN.)

221 Informal tenure earns professor job hearing. Higher Education Daily, 1, June 10, 1976.
Supreme Court rules in case involving U.S. citizenship and granting of tenure at University of Tennessee.

222 Soni v. Board of Trustees of Univ. of Tennessee. (376 F. Supp. 289). The College Law Digest, 6(5): 114-5, Sept., 1976.
Nontenured member of faculty of State University alleges that he's not been accorded procedural due process in non-renewal of contract. Decision in his favor.

223 Usery, etc. v. Memphis State Univ. (Tenn.) et al. (No. C-75-54, May 26, 1976). Labor Relations Reporter - Decisions of the Courts, 92(31): 22 WH 1157-9, Aug. 14, 1976.
In action by Secretary of Labor to enjoin State University from violating equal-pay provisions, Secretary not required to disclose to University summaries of statements by faculty given in confidence to compliance officer.

COURT CASES - FEDERAL - (TEXAS)

224 Assof v. University of Texas System. (399 F. Supp. 1245, S.D. Texas Houston Div. 1975). The College Law Digest, 6(2): 31, Mar., 1976.
Federal court and non-compliance with rule of notification of non-reappointment.

225 Hander v. San Jacinto Junior College. (519 F. 2d. 273 (5th Cir, 1975). The College Law Digest, 6(1): 14, Jan., 1976.
Public junior college faculty member discharged for wearing beard in violation of regulations.

COURT CASES - FEDERAL - (TEXAS) (cont'd.)

226 The University of Texas at Austin (1971). The College Law Digest, 6(2): 29, Mar., 1976.
Asst. professor files complaint charging discrimination in salary and rank because of her sex...University refused to cooperate...with Office of Civil Rights...HEW starts proceedings to prohibit federal contracts to university.

COURT CASES - FEDERAL - (VA.)

227 Phillips v. Puryear. (403 F. Supp.80 W.D. Va. Lynchburg Div. 1975). The College Law Digest, 6(2): 31-32, Mar., 1976.
Former nontenured faculty member of community college challenges dismissal as violation of freedom of speech and due process.

228 Sullivan v. Dykstra. (U.S. District Court for Eastern District of Va., Civil Action #75-842-A, June 1, 1976). (George Mason Univ., Va.). The College Law Digest, 6(5): 114, Sept., 1976.
Non-renewal of contract without a hearing is at issue. Overruled by court.

COURT CASES - FEDERAL - (VT.)

229 Peters v. Middlebury College. (U. S. District Court for the District of Vermont. Civil Action File No. 73-153, January 22, 1976). The College Law Digest, 6(3): 60, May, 1976. (Also in Labor Relations Reporter - Decisions of the Courts 91(19): 12 FEP Cases 297-305, March 6, 1976).
Court found no violation of Title VII.

COURT CASES - FEDERAL - (WIS.)

230 Stebbins v. Weaver. (396 F. Supp. 104 W.D. Wis. 1975). (University of Wisconsin). The College Law Digest, 6(1): 5-6, Jan., 1976. (Also in 134, Nov., 1976).
Former assistant professor brought action for judgment that procedure by which he had been denied tenure violated due process.

COURT CASES - FEDERAL - (WYO.)

231 Prebble v. Brodrick (Univ. of Wyoming). (535 F. 2d. 605, 10th Cir. 1976). The College Law Digest, 6(6): 135, Nov., 1976.
Judicial review of institutional procedures before dismissal of nontenured faculty.

COURT CASES - ARIZ.

232 McClanahan v. Cochise College, Ariz. (25 Ariz. App. 13, 540, P. 2d. 744, 1975). The College Law Digest, 6(2): 31, Mar., 1976.
Nontenured former teacher at public junior college brings action challenging termination of employment.

233 Professor sues board in dismissal fight (University of Ariz., College of Medicine). The Chronicle of Higher Education, 2, May 17, 1976.

COURT CASES - CALIF.

234 Appeal of Eugene E. Morris (California State University). (California State Personnel Board, Case No. 5132, July 14, 1976.) The College Law Digest, 6(6): 126, Nov., 1976.
Administrative review of decision to dismiss employee.

235 California School Employees Association v. Foothills Community College, District of Santa Clara County (Calif.). (App. Div. 124, Cal. Rptr. 830, 1975). The College Law Digest, 6(2): 31, Mar., 1976.
Conduct of employee in distributing copies of disciplinary letters to her supervisor involved constitutionally protected speech and was not valid ground for dismissal.

236 Chilton v. Contra Costa Community College Dist. (127 Cal. Rptr. 659, Cal. App. 1976.) The College Law Digest, 6(4): 89, July, 1976.
Loyalty oath ruled mandatory.

237 Court upholds dismissal of San Diego instructor (based on professional, not political grounds). The Chronicle of Higher Education, 2, Dec. 6, 1976.

238 Harriette Andreadis v. Board of Trustees, California State University and Colleges (Calif. Court of Appeals, First District, Div. One, Civil No. 37146, June 22, 1976). Government Employee Relations Report, 674: B1-B2, Sept. 13, 1976. (Also in Academic Collective Bargaining Information Service, Fact Sheet #29, 4, Oct., 1976.)
California court distinguishes between layoffs due to lack of funds or work and non-retention due to over-staffing.

239 Lipow v. Regents of University of California (No. 36065, Dec. 8, 1975, as modified Jan. 6, 1976). Labor Relations Reporter. Decisions of the Courts, 91(29): 91 LRRM 2867-2873, Apr. 12, 1976). (Also in Government Employee Relations Report (653: B3-B5, Apr. 19, 1976).
California State University did not violate its statutory obligations to meet and confer with employee representatives prior to arriving at determination of policy, when it instituted modifications of university's academic personnel manual.

COURT CASES - COLO.

240 Franklin v. Atkins (409 F. Supp. 439, D. Colo. 1976). Journal of Law and Education, 5(4): 518, Oct., 1976.
Action by professor challenging refusal of university to hire him which he alleged was based on his exercise of free speech. Decision: For the university.

241 Silverman v. University of Colorado (Colo. App., 541 P. 2d. 93(1975). The College Law Digest, 6(2): 22, Mar., 1976.
Nontenured faculty member seeking damages for termination of her contract claiming breach of contract.

COURT CASES - CONN.

242 Stolberg v. Board of Trustees for the State of Connecticut (Southern Conn. State College). Higher Education Daily, 2, Oct. 20, 1976.
Professor wins reinstatement after being fired unfairly but "dual job ban" prohibits salary payment.

COURT CASES - D.C.

243 Roberson v. District of Columbia Board of Higher Education (Federal City College) (359 A.2d. 28 D.C. App. 1976). The College Law Digest, 6(6): 126, Nov., 1976.
Breach of contract of employment of assistant to president is charged. Decision in favor of Board.

COURT CASES - DEL.

244 Delaware professor rehired with back pay. The Chronicle of Higher Education, 12(5): 2, Mar. 29, 1976.

COURT CASES - FLA.

245 Chung-Ling Yu v. Criser (330 So. 2d 198, 1976). The College Law Digest, 6(5): 111-2, Sept., 1976.
Nontenured members of Florida State University filed suit for breach of contract but court of appeals finds discharge based on performance not on union activities.

246 Gorman v. University of Miami (In Circuit Court for 11th Judicial Circuit in and for Dade County, Fla. General Jurisdiction Division, Case No. 75-3697. Summary final Judgment, Nov. 24, 1975). The College Law Digest, 6(2): 30. Mar., 1976.
Contractual right to tenure.

COURT CASES - GA.

247 Busbee v. Georgia Conference, American Association of University Professors (In Supreme Ct. of Ga., 237, 30643, Decided Dec. 4, 1975 - S.E. 2d. -) University System of Georgia. The College Law Digest, 6(2): 38, Mar., 1976. (Also in Journal of Law and Education, 5(3): 399, July, 1976).
Salary increases cancelled as state appropriations reduced.

248 Court says state must pay raises to Georgia faculty. NEA Advocate, 7, Mar., 1976.

249 Goolsley v. Regents of the University System of Georgia (Civil Action No. C 11236). The College Law Digest 6(4): 87, July, 1976.
Performance evaluation at base of decision to deny tenured faculty member promotion to full professor.

COURT CASES - HAWAII

250 Abramson v. Board of Regents, University of Hawaii (548 P. 2d. 253, Hawaii, 1976). The College Law Digest 6(4): 86, July, 1976. (Also in Journal of Law and Education, 5(4): 519, Oct., 1976).
Action by instructor claiming right to tenure. Decision: For the Regents.

251 Nelson v. Miwa (546 P. 2d. 1005, Hawaii, 1976) The College Law Digest, 6(3): 58, May, 1976. (Also in Journal of Law and Education, 5(4): 523, Oct., 1976; and Government Employee Relations Report 650: B-1 to B-2, Mar. 29, 1976).
Action challenging university's mandatory retirement agreement. Faculty member reinstated.

COURT CASES - ILL.

252 Board of Trustees of Community College District No. 508, County of Cook, Illinois v. Cook County College Teachers Union (No. 62619, Oct. 18, 1976). Labor Relations Reporter. Decisions of the Courts 93(27): 93 LRRM, 2804-2811, Dec. 6, 1976. (Also in Government Employee Relations Report 683: B-12 to B-13, Nov. 15, 1976).
State trial court erred in issuing order temporarily restraining union representing community college teachers from engaging in strike pursuant to its labor dispute with college board of trustees.

253 Board of Trustees of Jr. College District 58, County of Cook v. Cook County College Teachers Union. Labor Relations Reporter. Decisions of the Courts, 92 LRRM: 2380-85, May 24, 1976.
Arbitrator exceeded authority when he awarded positions of employment to teachers whose employment contracts were not renewed without prior advisory faculty evaluation required by agreement.

COURT CASES - ILL. (cont'd.)

254 Chicago college employees must live in city (in compliance with order re. city employees). NACUBO College and University Business Officer, X(5): 14, Nov., 1976.

COURT CASES - IND.

255 Indiana State Teachers Retirement Board v. Smock (332 N.E. 2d 800, 1975). The College Law Digest, 6(1): 7-8, Jan., 1976.

Indiana State Teachers Retirement Board rules that only 3 state universities came within state retirement fund in 1934. Members of faculty of non-participating university (Purdue University) sues.

COURT CASES - LA.

256 Tobin v. Louisiana State Board of Education (La. App. 319 So. 2d 823, 1975). The College Law Digest, 6(2): 22-3, Mar., 1976.

Contract of employment sent to plaintiff by mistake. Since plaintiff must have known this, his acceptance of contract was flawed.

COURT CASES - MAINE

257 Maine State Employees Association v. The University of Maine (Civil Action Docket No. CV-76-52, Super. Ct. Me. Mar. 2, 1976). The College Law Digest, 6(4): 89, July, 1976.

Labor union challenges right of university to eliminate payroll deductions for union dues, insurance premiums. Overruled.

COURT CASES - MD.

258 University of Maryland bias suit, in attempt to block cutting off of aid by HEW to Md. public colleges because of alleged racial segregation. NACUBO College and University Business Officer, 3, Sept., 1976.

COURT CASES - MASS.

259 Equal Employment Opportunity Commissioner v. Tufts Institution of Learning (7/3/75, as modified 7/28/75, U.S. District Court for Mass.) NACUBO College and University Business Officer, 9(9): 9, Mar., 1976.

Two former female employees charge sex discrimination. "Unique university/faculty ties change bias criteria."

COURT CASES - MASS. (cont'd.)

260 Trustees of Boston University v. National Labor Relations Board (No. 76-115-M, Jan. 13, 1976). Labor Relations Reporter, Decisions of the Courts, 93(13): LRRM 2413-4, Oct. 18, 1976.

NLRB is temporarily restrained from requiring employer to respond to Board's show cause notice re unfair labor practice proceedings against employer.

COURT CASES - MINN.

261 Knigh, et al. v. Alsop (No. 76-1051, May 17, 1976, U.S. Court of Appeals, Eighth Circuit [St. Louis]). Labor Relations Reporter. Decisions of the Courts, 92: LRRM 2627-2630, June 14, 1976.

Court to determine exclusive representation issue and fair share provision in action initiated by 20 faculty members of various Minnesota Community Colleges.

COURT CASES - MO.

262 Spieldoch v. Maryville College, Missouri (No. 75-172 c(3) Dec. 23, 1975). Labor Relations Reporter. Decisions of the Courts, 93(5): 13 FEP Cases 660-61, Sept. 18, 1976.

College did not violate Title VII in not granting tenure to female faculty member since decision was due to educational techniques dispute.

COURT CASES - NEBR.

263 Brady v. Board of Trustees of Nebraska State Colleges (242 N.W. 2d 616, 1976). The College Law Digest, 6(5): 115, Sept., 1976.

Tenured faculty member at Wayne State College dismissed without hearing during retrenchment. Court rules that entitled to procedural due process.

264 Chase v. Board of Trustees of Nebraska State Colleges (235 N.W. 2d. 223, 1975). The College Law Digest, 6(2): 35, Mar., 1976.

Termination of tenure.

COURT CASES - N.J.

265 American Association of University Professors, Bloomfield College Chapter v. Bloomfield College (129 N.J. Super. 249, 322 A. 2d. 846, 1974; 136 N.J. Super. 442, 346 A 2d. 615, 1975). The College Law Digest, 6(2): 33, Mar., 1976. (See also 6(1): 5, Jan., 1976).

Dismissal because of financial exigency.

COURT CASES - N.J. (cont'd.)

266 "...Attorney General...said that tenured faculty at state colleges shall be separated from employment for budgetary reasons in order of seniority, unless senior faculty are unqualified for existing positions..." (Formal opinion No. 18, 1975, 98). New Jersey Law Journal, Index Page 992, Nov. 20, 1975.

267 State of New Jersey v. Council of New Jersey State College Locals, (NJSFT-AFT; AFL-CIO, No. A-531-75, May 17, 1976). Labor Relations Reporter. Decisions of the Courts, 92: LRRM 3232-3234, July 26, 1976.
State's "hard bargaining" stance result of fiscal crisis rather than refusal to bargain in good faith.

268 Two courts limit topics that must be bargained; colleges in New Jersey and Michigan need not negotiate certain issues. The Chronicle of Higher Education, 8, Feb. 17, 1976.

COURT CASES - NEW MEXICO

269 Feldman v. Regents of the University of New Mexico, (88 N.M. 392, 540 P. 2d. 872, 1975). The College Law Digest, 6(2): 23, Mar., 1976.
Head coach of state university in suit against regents because of discharge during contract of employment.

COURT CASES - N.Y.

270 Board of Education v. Professional Staff Congress/CUNY (New York Supreme Court, Special Term, Part I, Kings County, No. 24864/75, Feb. 24, 1976). Labor Relations Reporter. Decisions of the Courts, 92: LRRM 2569-2570, June 7, 1976.
Public employers may not be compelled to arbitrate grievances arising under expired agreement even if grievances arose during life of agreement.

271 Board of Trustees of Bloomsburg State College (N.Y.) v. Skehan. Higher Education Daily, 1, Dec. 1, 1976.
High court sends teachers rights case back for trial on merits in controversy over liability of administrators to faculty damage claims.

272 Bunch v. Syracuse University. (State of New York, Onondaga County, Sept. 9, 1975). The College Law Digest, 6(3): 63, May, 1976.
Former tenured faculty member files petition seeking reinstatement; denied.

COURT CASES - N.Y. (cont'd.)

273 Cardo v. Boyer (App. Div.) 374 N.Y.S. 2d. 360 (1975). (State University of New York). The College Law Digest, 6(2): 30, Mar., 1976.
Judicial review of appointment procedures.

274 Carrion v. Yeshiva University (No. 71 Civ. 3007, July 28, 1975, U.S. District Court, Southern District of New York). Labor Relations Reporter. Decisions of the Courts, 93(29): 13 FEP Cases 1514-1528, Dec. 11, 1976.
Employer did not act unlawfully in selection of caucasian employees instead of black employee.

275 Carroll v. Onandaga Community College (384 N.Y. 2d 322, 1976). The College Law Digest, 6(5): 120, Sept., 1976.
Authority of president to accept resignation of faculty member.

276 Cherinsky v. New York City Community College. (377 N.Y.S. 2d 97, 1975). The College Law Digest, 6(3): 63, May, 1976.
Request for reinstatement by a teacher who had not been reappointed denied by court since could not hold multiple full-time positions.

277 Columbia (University) not guilty of sex bias, court says. Higher Education Daily, 3, July 9, 1976.

278 Davidson v. Columbia University. (Supreme Court of the State of New York, County of Westchester, No. 2755/1971. Jan. 13, 1976). The College Law Digest, 6(3): 51-52, May, 1976.
Action for damages for breach of contract of employment.

279 New York court rules on abolition of department at SUNY-Stonybrook. NACUBO College and University Business Officer, X(5): 13, Nov., 1976.

280 New York Institute of Technology v. AAUP, 364 N.Y.S. 2d 190 (2d Dept. 1975).
Denial of tenure and arbitrability.

281 N.Y. Institute of Technology v. State Division of Human Rights (Ct. of Appeals, Opinion, July 8, 1976, 385 N.Y.S. 2d 685, 1976). The College Law Digest, 6(6): 133, Nov., 1976.
Can State Commissioner of Human Rights, having found that institution denied tenure because of sex, order the institution to grant tenure.

282 NLRB v. Mercy College (N.Y.). (Case No. 75-4232, June 9, 1976). Labor Relations Reporter. Decisions of the Courts, 92: LRRM 2909-2914, July 5, 1976.
NLRB erred when it denied evidentiary hearing to college that refused to bargain with newly certified union.

283 Pace College (N.Y.) v. Commission on Human Rights of the City of New York (38 N.Y. 2d 28, 377 N.Y.S. 2 d 471, 1975). The College Law Digest, 6(3): 59-60, May, 1976.

Affirmed state supreme court to set aside the determination by the commission that the college had engaged in a practice of sex discrimination.

284 Professional Staff Congress, City University of New York v. Board of Higher Education of the City of New York (No. 111, N.Y., Mar. 30, 1976). The College Law Digest, 6(4): 89, July, 1976.

Court says that interpretation of agreement by arbitration is beyond review in court because arbitrator's award is not subject to judicial review for errors of law or fact.

285 Professional Staff Congress/CUNY v. Board of Higher Education of City of New York (Supreme Court, Kings County, Special Term, Part I. Memorandum. January 15, 1976). The College Law Digest, 6(3): 74, May, 1976.

Found the board is acting within the scope of authority to impose a payless furlough.

286 Rieder v. State University of New York (Case No. 237, June 2', 1976). Labor Relations Reporter. Decisions of the Courts, 92: LRRM 2736, June 21, 1976.

Failure of employees to exhaust administrative remedies warrants dismissal of their actions against university.

287 Simon v. Boyer (380 N.Y.S. 2d 178, App. Div., 1976). (State University of New York). The College Law Digest, 6(4): 86, July, 1976.

Nontenured instructor files suit for reinstatement; appointment for additional year did not automatically confer tenure status.

288 Sobel v. Yeshiva University (No. 75 Civ. 2232 GLG, June 30, 1976). Labor Relations Reporter. Decisions of the Courts, 93(25): 13 FEP cases, 1339-1342, Nov. 27, 1976.

Sex discrimination complaint alleging cause of action under Title VII, even though amended complaint filed officially more than 90 days after receipt of notice of rights to sue from EEOC.

289 State Division of Human Rights v. Columbia University, N.Y. (39 N.Y. 2d 612, 1976, reversing 48 App. Div. 2d 1012, 1975). The College Law Digest, 6(6): 132-3, Nov., 1976.

Discrimination in employment based on sex.

290 Wagner v. Long Island University (No. 75 C 2106, Sept. 1, 1976). Labor Relations Reporter. Decisions of the Courts, 93(5): 13 FEP Cases 512-517, Sept. 18, 1976.

Female assistant professor who claims denial of tenure because of her sex, is entitled to preliminary injunction continuing her employment, until claim under Title VII can be litigated.

COURT CASES - N.Y. (cont'd.)

291 Woman professor awarded $75,000 and reinstatement. The Chronicle of Higher Education, 2, July 26, 1976.

292 Zeller, etc. v. Board of Higher Education of the City of N.Y. (N.Y. Supreme Court, Special Term, Part 1, N.Y. County, No. 4890/75, Oct. 22, 1975). Labor Relations Reporter. Decisions of the Courts, 91(29): 91 LRRM 2854-2856, Apr. 12, 1976. (Also in GERR, 641: B5, Jan. 26, 1976).
Vacation pay grievance.

COURT CASES - OKLA.

293 King v. Board of Regents of Claremore Junior College, Oklahoma. (541 P. 2d. 836, 1975). The College Law Digest 6(2): 32, Mar., 1976.
Tenured and nontenured teachers seek judgment that employment at public junior college had been wrongfully terminated.

COURT CASES - OREGON

294 Nance v. Oregon State System of Higher Education. (Or. App., 543 P. 2d. 687, 1975). The College Law Digest, 6(3): 63, May, 1976.
Held that the board could choose to refuse to renew contracts of employment for any reason, provided such reason was not unconstitutional.

295 Southwestern Oregon Publishing Co., Inc. v. Southwestern Oregon Community College District. (No. 76-277, Apr. 21, 1976). Labor Relations Reporter. Decisions of the Courts, 92: LRRM 3345-3347, Aug. 2, 1976.
Community College district that has agreed with bargaining unit to conduct bargaining sessions in secret may be enjoined permanently from conducting further bargaining unless news media are admitted.

296 Women win pension case in Oregon court. The Chronicle of Higher Education, 2, Jan. 12, 1976.

COURT CASES - PA.

297 D'Angelo v. Temple University (Court of Common Pleas of Philadelphia Cty, Trial Division, May Term, 1974, #2075, Adjudication, Apr. 13, 1976). The College Law Digest, 6(5): 113-4, Sept. 1976.
Plaintiff claims he was entitled to tenure as result of being employed 5 years. Finding: Tenure not automatically bestowed.

COURT CASES - PA. (cont'd.)

298 Jackson v. The University Of Pittsburgh, et al. (U.S. District Court, Western District of Pa., No. 72-3, Dec. 12, 1975). Labor Relations Reporter. Decisions of the Courts, 91(3): 11 FEP Cases 1233-1243, Jan. 10, 1976.

Individual who alleged in charge filed with EEOC that most recent date on which sex discrimination by university occurred was in Jan., 1972, may maintain Title VII action against university.

299 Lincoln University (Pa.) v. University Professors. (Pennsylvania Supreme Court, Eastern District, Nos. 348 and 353, Jan. Term 1975, Apr. 7, 1976). Labor Relations Reporter. Decisions of the Courts, 92: LRRM, 2522-2525, June 7, 1976.

Arbitrability of grievance between state university and union on whether university properly denied faculty status to librarians.

300 Pennsylvania Labor Relations Board v. Delaware County Community College (Pa.) and Delaware County Community College Association of Higher Education, No. 11853, Oct. 2, 1975. Labor Relations Reporter. Decisions of the Courts, 92: LRRM 2615-2619, June 14, 1976.

The court reversed the board's decision to include coordinator of instructional media and coordinator of library services in the bargaining unit; affirmed the board's inclusion of assistant and associate instructors.

301 Pennsylvania Labor Relations Board v. Association of Pennsylvania State College and University Faculties of Pennsylvania Association of Higher Education, Bureau of Labor Relations. (Pennsylvania Commonwealth Court, No. 1119 C.D. 1975, Apr. 19, 1976). Labor Relations Reporter. Decisons of the Courts, 92: 2535-2538, June 7, 1976.

"Meet and discuss" sessions as means for promoting orderly and constructive relationship between contractual parties.

302 Penn State upheld, tenure denial permissible, court rules. The Chronicle of Higher Education, 12(4): 6, Mar. 22, 1976.

303 Schmidt v. Slippery Rock State College (Pa.) (EEOC Case No. YP14-236. Decision 75 083, Nov. 14, 1975). The College Law Digest, 6(2): 28, Mar., 1976.

Charge of discrimination in violation of Title VII.

COURT CASES - TENN.

304 State ex rel. Chapdelaine v. Torrence. 532 S.W. 2d 542 (Tenn., 1976). The College Law Digest, 6(4): 85, July, 1976.

State university faculty member challenges dismissal; awarded back pay based on tenure but not reinstated.

COURT CASES - TEXAS

305 Coughlin, Ellen K. Fired dental-school dean sues for open hearings... says rumors, closed-door meetings characterized his dismissal from post in Texas. The Chronicle of Higher Education, 10, Dec. 6, 1976.

COURT CASES - VA.

306 Cramer v. Virginia Commonwealth University (5/28/76). NACUBO: College and University Business Officer, 10(1): 6, July, 1976.
Portions of affirmative action plan that gave preferential treatment to women in filling faculty positions held unconstitutional.

COURT CASES - WASH.

307 Brazil v. Babb. (Superior Ct. State of Washington #805360, June 15, 1976). The College Law Digest, 6(5): 120, Sept., 1976.
State court held that faculty meetings held in public institution to consider granting of tenure are not subject to provisions of Open Public Meetings Act.

308 McLachlan v. Tacoma Community College District No. 22 (Washington App., 541 P. 2d. 1010, 1975). The College Law Digest, 6(2): 31, Mar., 1976.
Instructors waive tenure rights when hired on full-time temporary basis.

309 Smith v. Greene (545 P. 2d 550, Washington, 1976). Journal of Law and Education, 5(3): 401, July, 1976.
Action by probationary teacher challenging denial of tenure. Decision: For the college - non-tenured teacher has no claim to entitlement to position.

310 Warmington v. The Employment Security Department of the State of Washington. (Supreme Court, State of Washington. Order denying petition for hearing, Apr. 29, 1975). The College Law Digest, 6(1): 11, Jan., 1976.
Student employed as pre-doctoral lecturer denied unemployment compensation.

311 Washington University faculty cannot bargain...(because legislature has not given authority to governing bodies of universities and colleges to engage in collective bargaining.) Government Employee Relations Report, 686: B-1, Dec. 6, 1976.

COURT CASES - WISC.

312 Johnson v. Board of Regents of the University of Wisconsin System. (377 F. Supp. 227 W.D. Wisc. 1974).
Tenured faculty members who had been laid off on the grounds of financial exigency brought a civil rights action, claiming a denial of due process.

DEPARTMENT CHAIRPERSONS

313 Bell, Frank C., Jr. Attitudes of academic department chairmen and department faculty members toward faculty growth contracts in Tennessee public four-year institutions of higher education. Ph.D. Dissertation, George Peabody College for Teachers, Nashville, Tenn., 1975.

314 Kelly, Michael D. The impact of collective bargaining on the department chairperson position in selected Pennsylvania community colleges. Pa.D. Dissertation, University of Pittsburgh, Pittsburgh, Pa., 1976.

315 National Center for the Study of Collective Bargaining in Higher Education. Newsletter, Dept. Chairpersons in 2-year Colleges, 4(3): Sept./Oct., 1976 – Dept. Chairpersons in 4-year Colleges, 4(4): Nov./Dec., 1976.

DISCRIMINATION

316 Court finds no bias in black college firing of Chinese. Higher Education Daily, 2, Jan. 19, 1976.

317 Haslam, C. L. Age discrimination in campus employment. The Journal of College and University Law, 2(4): 326-341, Summer, 1975.

318 Judge rules C.U.N.Y. guilty of reverse bias. The Chronicle of Higher Education, 2, Sept. 7, 1976.

319 Lutheran College rescinds controversial hiring plan. (Concordia College, Bronxville). The Chronicle of Higher Education, 2, Apr. 26, 1976.

320 OCR reopens Loyola University sex discrimination complaint. Higher Education Daily, 4(67): 2, April 6, 1976.

321 'Reverse' discrimination found at Georgetown Univ. (D.C.). The Chronicle of Higher Education, 2, Aug. 16, 1976.

322 Roark, Anne C. Federal sex bias forms seen inviting dishonesty... colleges told to say discrimination didn't exist... . The Chronicle of Higher Education, 8, Dec. 6, 1976.

323 Semas, Philip W. University of Delaware will drop homosexual teacher. The Chronicle of Higher Education, 4, Feb. 9, 1976.

324 Sex discrimination found at Montana State. The Chronicle of Higher Education, 2, March 8, 1976.

DISCRIMINATION (cont'd.)

325 69 women faculty members get $61,000 settlement. (Minnesota State Univ.). The Chronicle of Higher Education, 2, Apr. 26, 1976.

326 Women sue State University of New York at Stony Brook for discrimination...alleging pattern of sex discrimination in both hiring and salaries and benefits. Higher Education Daily, 1, May 11, 1976. (Also in The Chronicle of Higher Education, 2, June 28, 1976).

ELECTIONS - CALIFORNIA

327 California: hearings under way to define community college units. NEA Advocate, 7, Oct., 1976.

ELECTIONS - CONNECTICUT

328 AAUP defeats AFT in runoff. Connecticut State faculty vote. Government Employee Relations Report, 651: B-23 and B-24, April 5, 1976.

329 AAUP making strides in Connecticut. Higher Education Daily, 5, April 20, 1976.

330 AFT wins at Connecticut technical colleges; AFSCME efforts intensify. Government Employment Relations Report, 645: B-18, February 23, 1976.

331 Connecticut professors vote to unionize. The Chronicle of Higher Education, 12(5): 2, March 29, 1976.

ELECTIONS - DISTRICT OF COLUMBIA

332 Mount Vernon College, Washington, D.C., May 4. Weekly Summary of NLRB Cases; W-1494, 27, May 12, 1976.

All full-time (and part-time teaching faculty who were once full-time) including academic advisor - career counselor shall vote for representation by AAUP, or for no representation.

ELECTIONS - FLORIDA

333 PERC chairman declares election of United Faculty of Florida valid. Government Employee Relations Report, 653: B19, Apr. 19, 1976.

334 Teachers vote for union on 9 Florida campuses; AFT affiliate wins state-university system... The Chronicle of Higher Education, 9, Mar. 15, 1976.

335 United Faculty of Florida wins representation election. Government Employee Relations Report, 648: B21, Mar. 15, 1976.

336 University of Florida Institute of Food and Agricultural Sciences votes no on bargaining agent. Government Employee Relations Report, 669: B-18, Aug. 9, 1976.

ELECTIONS - ILLINOIS

337 Five Illinois public college faculties approve collective bargaining. Government Employee Relations Report, 658: B-20, May 24, 1976.

ELECTIONS - IOWA

338 College of Osteopathic Medicine, Des Moines, Iowa. (Case No. 18-RC-10663). NLRB Election Report; ER-170: 20, May 4, 1976.

339 NEA, AFT, and AFSCME win college elections in Iowa. Government Employee Relations Report, 641: B-17, January 26, 1976.

ELECTIONS - MARYLAND

340 Bay College of Maryland, Inc. (Case No. 5-RC-9722). Weekly Summary of NLRB Cases; W-1504: 10, July 21, 1976.
All teachers shall vote for representation...or for no representation.

ELECTIONS - MASSACHUSETTS

341 Lasell Junior College (Mass.). (Case No. 1-RC-14510). Weekly Summary of NLRB Cases; W-1506: 15, August 4, 1976.
All faculty...assoc. librarian shall vote for representation by AFT or no representation.

342 Massachusetts Labor Relations Commission orders runoff election for University of Massachusetts faculty union (Boston and Amherst campuses) to determine bargaining agent between MSP/NEA and "no agent." Government Employee Relations Report, 686: B-9. Dec. 6, 1976.

ELECTIONS - MASSACHUSETTS (cont'd,)

343 Merrimack College, Boston, Mass., Oct. 27, Weekly Summary of NLRB Cases, 20, Nov. 10, 1976.
All full-time faculty, including faculty, department chairmen, ass't librarian and reference librarian, members of order of Saint Augustine with full-time faculty status...will vote for representation...or for no representation.

344 Trustees of University of Lowell (Mass.) and AFT and Mass. Society of Professors. MTA (Case No. SCRE-2006, April 28, 1976). Government Employee Relations Report, 659: C-1, May 31, 1976.
MTA certified as representative of all full-time faculty professional employees.

345 Unionization wins in Massachusetts, (NEA). The Chronicle of Higher Education, 2, Jan. 12, 1976.

ELECTIONS - MICHIGAN

346 AAUP/MEA-NEA await certification at University of Detroit. Higher Education Daily, 2, May 6, 1976.

347 Michigan State University and Michigan State University Student Workers Union. (Case No. R75 D-197, April 20, 1976). Government Employee Relations Report, 659: C-4, May 31, 1976.
Union is denied certification of unit composed of all student workers employed by university.

348 University of Detroit. (Case No. 7-RC-13396, 13415); Weekly Summary of NLRB Cases; W-1491: 31, April 21, 1976.
All....professional members of the faculty...shall vote for representation...or for no representation.

ELECTIONS - MISSOURI

349 Cottey Junior College (Mo.). (Case No. 17-RC-7979). Weekly Summary of NLRB Cases; W-1504: 12, July 21, 1976.
All faculty...guidance counselors,...librarians, shall vote for representation by AFT....AAUP, or neither.

350 Election at Cottey College, Missouri in favor of AFT. Academic Collective Bargaining Information Service. Fact Sheet #28, Sept., 1976.

351 Faculty at Stephens College (Mo.) voted no-agent...faculty at Park College (Mo). voted to adopt collective bargaining and be represented by the AFT. Academic Collective Bargaining Information Service. Fact Sheet #29, Oct., 1976.

ELECTIONS - NEBRASKA

352 University of Nebraska faculty reject AAUP representation. Government Employee Relations Report, 646: B-18, March 1, 1976.

ELECTIONS - NEW HAMPSHIRE

353 Decertification first. (AFT voted out by faculty of New England College, New Hampshire). Academic Collective Bargaining Information Service. Fact Sheet #25, 1, May, 1976.

354 For first time, faculty votes to drop a union. (New England College). The Chronicle of Higher Education, 8, May 24, 1976.

ELECTIONS - NEW JERSEY

355 New Jersey State College Teachers choose AFT over NEA, seek raise. Government Employee Relations Report, 638: B-21, January 5, 1976.

356 Rutgers University, N.J. and Rutgers University College Teachers Assn. (Docket No. RD-1042, May 11, 1976). Government Employee Relations Report, 676: C-2, Sept. 27, 1976.
Direction of election in unit of university's co-adjunct faculty.

ELECTIONS - NEW YORK

357 Brooklyn College of Pharmacy of Long Island University. (29-RC-3411, Brooklyn, N.Y., Oct. 8, 1976). Weekly Summary of NLRB Cases; W-1517: 22, Oct. 20, 1976.
All full-time faculty members shall vote for representation..or for no representation.

358 New York University, N.Y., N.Y. and NYU Federation of United Professionals, NYSUT, NEA, AFT, AFL-CIO. (Case No. 2-RC-16788, Dec. 16, 1975, 221 NLRB No. 176). Labor Relations Reporter - Decisions of NLRB, 91(11): 91 LRRM 1165-1177, February 9, 1976.
Unit of all full-time faculty, professional librarians and certain other individuals employed by university is appropriate for bargaining, notwithstanding contention that unit must include law school faculty.

359 Teachers College, Columbia University. (2-RC-17251; 226 NLRB No. 193, New York, N.Y., Dec. 1). Weekly Summary of NLRB Cases; W-1524, 10, Dec. 8, 1976.
Board finds appropriate separate unit of professional librarians and directs election.

ELECTIONS - NEW YORK (cont'd.)

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10a League of Voluntary Hospitals and Homes of New York and District 1199, (FMCS Case No. HC-176-3670(2), Sept. 10, 1976). Government Employee Relations Report. 675: B-5 to B-8, E1 to E7, Sept. 20, 1976.

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Employee grievance sustained in work schedule changes for circulation department.

ARBITRATION AWARDS - PENNSYLVANIA

14a Pennsylvania State University and Teamsters Local 8. (FMCS Case No. 76KO9962, May 3, 1976). Government Employee Relations Report - Arbitration. 666: C-7, July 19, 1976.

Arbitrator orders food handler reinstated to former position without loss of position or salary.

ARBITRATION AWARDS - PENNSYLVANIA (cont'd.)

15a Pennsylvania State University and International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America. (FMCS Case No. 75K/14482, October 20, 1975). Labor Relations Reporter - Decisions and Recommendations. 90: 65LA 793, December 17, 1975.
Concerns changes in job classifications.

16a Pennsylvania State University and International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America. (FMCS Case No. 76K/06471, June 28, 1976). Labor Relations Reporter-Decisions and Recommendations. 92(36): 67 LA 33-35, Sept. 1, 1976.
Employees not entitled to pay for worktime lost when employer closed campus because of rock concert--despite lack of 2 week notice.

BARGAINING UNITS

17a Ferris State College, Mich. and Teamsters Local 214, Law Enforcement Division. (Case No. R75 J-446, Jan. 2, 1976). Government Employee Relations Report. 641: C-2, January 26, 1976.
Unit certification of police supervisory personnel.

18a Maine's Labor Relations Board issues first unit determinations....for collective bargaining representation of state employees...divides state employees into 7 categories for bargaining purposes. Government Employee Relations Report. 682: E-1 to E-6, Nov. 8, 1976.

19a NLRB divides over election units at hospitals. (Powerhouse and maintenance employees of Jewish Hospital of Cincinnati denied separate election.) National Labor Relations Board Press Release, R-1447, April 6, 1976.

20a Recognition agreement covering inappropriate unit. (Hospital medical records employees). Labor Relations Reporter - Summary of Developments. 91(29): 4-5, April 12, 1976.

21a The Trustees of Columbia University in the City of New York. (2-RC-16835; 222 NLRB No. 41, New York, N.Y., Jan. 16). Weekly summary of NLRB cases. W-1479, 16, Jan. 28, 1976.
The Board found appropriate a unit of all unrepresented full-time and regular part-time clerical employees working 20 hours or more per week.... .

COLLECTIVE BARGAINING

22a American Hospital Association. Hospital Seminars: 1976-77 Hospital collective bargaining trends. Chicago, Ill., AHA, 1977.

COLLECTIVE BARGAINING (cont'd.)

23a Cook, John E. The attitudes of top administrators, personnel administrators, and non-academic personnel regarding collective bargaining and terms of employment for non-academic personnel in higher education. Ph.D. Dissertation, Syracuse University, Syracuse, N. Y., 1973.

CONTRACTS

24a Columbia University (N. Y.) and Retail, Wholesale and Dept. Store Union, District 1199, National Union of Hospital and Health Care Employees. Collective Bargaining Settlements in New York State; a monthly report. 29(1): 20, March, 1976.

25a Los Angeles County and Joint Council of Interns and Residents. Government Employee Relations Report. 639: X-1 to X-7, January 12, 1976.

26a Miami University workers get three year contract. Higher Education Daily. 6, Sept. 1, 1976.

27a Mott Community College (Mich.) and Service Employees. Government Employee Relations Report. 650: X-1 to X-14, Mar. 29, 1976.
Contract content for maintenance and food service workers.

28a NHSEA signs pacts for Keene State College, N.H. and Plymouth State College, N.H. non-academic workers. Government Employee Relations Report. 638: B-25, January 5, 1976.

29a Saint Elizabeth's Hospital, Washington, D. C., and American Federation of Government Employees. Government Employee Relations Report. 678: X1 - X11, Oct. 11, 1976.
Contract for barbers and beauticians.

30a University of Michigan and Washtenaw County Building Trades. Government Employee Relations Report. 663: X1 - X22, June 28, 1976.

31a University of Wisconsin - Madison and MULO agree on one-year pact. Government Employee Relations Report. 660: B18, June 7, 1976.
Food and service workers return to work after strike.

COURT CASES - FEDERAL

32a (1199 DC) National Union of Hospital and Health Care Employees, Retail Wholesale and Department Store Union, AFL-CIO, et al. v. National Union of Hospital and Health Care Employees. (U.S. Court of Appeals, D. C. Circuit, No. 75-1707, March 22, 1976); Labor Relations Reporter - Decisions of the Courts, 91(29): 91 LRRM 2817-2821, April 12, 1976.
Intra-union conflict.

COURT CASES - FEDERAL (cont'd.)

33a Retroactive seniority for illegally rejected job applicants. Labor Relations Reporter - Analysis, 91(27): 53-56, April 5, 1976.

COURT CASES - FEDERAL (Fla.)

34a Byron v. University of Florida, (403 F. Supp. 49, ND Florida, Gainesville, Div. 1975). The College Law Digest, 6(2): 28-29, Mar. 1976.
Employee at state university claims sex discrimination in employment.

COURT CASES - FEDERAL (Ill.)

35a Lambert v. Conrad (U. S. Court of Appeals, 7th Circuit, #75-1639, June 24, 1976). The College Law Digest, 6(5): 104, Sept., 1976.
Computer operator employed by Northern Illinois University alleged he was denied pre-termination hearing, and discriminated against because of his sex.

36a University of Chicago v. National Labor Relations Board (514 F. 2d. 942 7th Cir. 1975). The College Law Digest, 6(1): 10, Jan., 1976.
University sought review of NLRB order which found they had violated NLR Act by transferring custodial work from one bargaining unit to another .

COURT CASES - FEDERAL (Md.)

37a Department of Justice files complaint in federal district court in Baltimore charging University of Maryland with discrimination in employment, based upon race, in first complaint federal government ever filed against individual college or university. The Chronicle of Higher Education. Oct. 23, 1975.

COURT CASES - FEDERAL (N. Y.)

38a Walker v. Columbia University (N.Y.) (73 Civil Action 2687). Brennan v. Columbia University. (74 Civil Action 1129). (U. S. District Court for the Southern District of New York, February 11, 1976). The College Law Digest, 6(3): 61-62, May, 1976. (Also in Labor Relations Reporter - Wages and Hours, 91(29): 22 WH Cases 869-74, April 10, 1976.)
Women cleaners alleged sex discrimination in hiring and promotion but failed to prove that they performed "equal work." Complaints dismissed.

COURT CASES - FEDERAL (Va.)

39a Cramer v. Virginia Commonwealth University (U. S. District Court, Eastern District of Virginia, May 28, 1976, 44 L.W. 2572), The College Law Digest, 6(5): 109, Sept., 1976.
Affirmative action program violates Equal Protection Clause of 14th amendment and is contrary to requirements of Title VII of Civil Rights Act.

COURT CASES - CALIFORNIA

40a Ambuxen v. Regents of the University of California. (53 Cal. App. 3d 27, 125, Cal. Rptr. 497 (1975). The College Law Digest, 6(3): 53, May, 1976.
Termination of contract due to budget cuts.

41a California School Employees Association v. Foothills Community College, District of Santa Clara County, (Calif.). (App. Div. 124 Cal. Rptr. 830, 1975). The College Law Digest, 6(2): 31, Mar., 1976.
Conduct of employee in distributing copies of disciplinary letter to supervisor involved constitutionally protected speech and was not valid ground for dismissal.

42a Smith v. Regents of University of California. (130 Cal. Rptr. 118, 1976). The College Law Digest, 6(5): 105, Sept., 1976.
Contract of employment and seniority rights; allowance of retention of employee irrespective of seniority if he possessed special skills.

COURT CASES - FLORIDA

43a Board of Regents for and on behalf of Florida Technological University v. Mahler. (Fla. App., 320 So. 2d 850, 1975). The College Law Digest, 6(2): 36, Mar., 1976.
Career Service Commission of State and dismissal of employee of State university.

44a Board of Regents, University of Florida, Dept. of Education v. Heuer. (332 So. 2d 626, 1976). The College Law Digest, 6(5): 118, Sept., 1976.
Board of Regents seeks review of order of State Career Service Commission reinstating employee with back pay.

45a Florida's sunshine law (open meetings) is not violated by informal employer-employee meetings between college president and employee council. (St. Petersburg Jr. College, Fla.). Government Employee Relations Report. 667: B13 - B14, July 26, 1976.

COURT CASES - ILLINOIS (cont'd.)

46a Colaw v. University Civil Service Merit Board; (Illinois Appellate Court, Fourth Judicial District, General No. 12737, Dec. 24, 1975). Government Employee Relations Report, 644; B8-9, Feb. 19, 1976.

Illinois Court sustains discharge of broadcast engineer with critical job for refusing work assignment. (Univ. of Illinois).

COURT CASES - KANSAS

47a KAPE Objections to University of Kansas election that LIU won (custodial workers) are dismissed. Government Employee Relations Report. 649: B4 - B7, Mar. 22, 1976.

COURT CASES - KENTUCKY

48a Court ruling gives okay to collective bargaining between University of Kentucky and non-academic personnel. Government Employee Relations Report. 652: B-16, April 12, 1976.

COURT CASES - MICHIGAN

49a International Union of Operating Engineers v. Sinai Hospital of Detroit. (Michigan Court of Appeal, No. 21461, August 27, 1975); Labor Relations Reporter - Decisions of the Courts, 91(7): 91 LRRM 2131-2132, January 27, 1976.

Michigan Empl. Rel. Comm. erred when it designated 4 licensed operating engineers out of 2300 hospital employees as an appropriate separate bargaining unit.

COURT CASES - MISSOURI

50a Curators of the University of Missouri v. Public Service Employees Local 45, et al., (Missouri Supreme Court, Case No. 58, 646, Mar. 10, 1975). Government Employee Relations Report. 601: B1 - B3, April 14, 1975.

State Supreme Court upholds public employees' right to bargain.

51a Stevens v. Junior College District of St. Louis, (No. 75-151 C(4),Mar. 24, 1976). Labor Relations Reporter. Decisions of the Courts. 93(5): 13 FEP Cases, 661-64, Sept. 18, 1976.

Employer did not violate Title VII when it transferred black employee since transfer was due to poor performance.

COURT CASES - NEW YORK

52a Committee of Interns and Residents v. New York City et al. (New York Supreme Court, Special Term, Part I, June 22, 1976). Labor Relations Reporter - Decisions of the Courts, 93(11): 22 WH, 1279-80, Oct. 9, 1976.

Wage freeze provision of 1975 New York State Financial Emergency Act is constitutional as reasonable exercise of State's power to maintain stable economic environment.

53a National Labor Relations Board v. Columbia University, (No. 75-4155, Aug. 25, 1976). Labor Relations Reporter - Decisions of the Courts. 93 LRRM, 2085-2092, Analysis 5-7, Sept. 13, 1976.

NLRB is not entitled to enforcement of its order that employer violated LMRA in suspension of switchboard operator.

COURT CASES - OREGON

54a Women win pension case in Oregon court. The Chronicle of Higher Education. 2, Jan. 12, 1976.

COURT CASES - PENNSYLVANIA

55a Albert Einstein Medical Center, Northern Division v. Pennsylvania Labor Relations Board and Pennsylvania Nursing Association. (Nos. 1670 CD.1974 and 1671 CD. 1974, Sept. 21, 1976). Labor Relations Reporter - Decisions of the Courts. 93(13): LRRM 2397-98, Oct. 18, 1976.

Recent amendments which brought nonprofit hospitals within coverage of national labor relations law, do not preempt continuing jurisdiction of state appellate court. . . to certify union as exclusive bargaining representative.

56a EEOC v. Children's Hospital of Pittsburgh. (No. 75-627, June 30, 1976, July 1, 1976). Labor Relations Reporter - Decisions of the Courts. 93(5): 13 FEP Cases 508-512, Sept. 18, 1976.

EEOC fails to establish that pregnant employees are entitled under Title VII to relief, because of employer's unlawful policy of refusing to permit pregnant employees to use accumulated sick leave.

57a Philadelphia Assoc. of Interns and Residents and Commonwealth of Pennsylvania, Pennsylvania Labor Relations Board v. Albert Einstein Medical Center and Temple University. (Nos. 6 May Term 1976, and 283 January Term 1975, July 6, 1976). Labor Relations Reporter - Decisions of the Courts. 92: LRRM 3410-20, Aug. 2, 1976. (Also in Government Employee Relations Report. 667: B1-3, July 26, 1976.)

Interns, residents and clinical fellows are not employees.

COURT CASES - WASHINGTON

58a Petition of Washington State Employees Association. (86 Wash. 2d. 124, 542 P. 2d. 1249, 1975); The College Law Digest, 6(3): 70, May, 1976.
State Supreme Court upheld the interpretation of compensation plan by State Higher Education Personnel Board.

COURT CASES - WISCONSIN

59a Weaver v. State Personnel Board. (237 N.W. 2d. 183, 1976); The College Law Digest, 6(3): 53, May, 1976.
Employee properly laid off from his position as a police officer but his layoff from the position of university security officer had been arbitrary and capricious. (University of Wisconsin).

60a Women janitors win equal pay for work at University of Wisconsin's hospital. Government Employee Relations Report. 682: B-13, Nov. 11, 1976.

ELECTIONS - CALIFORNIA

61a Children's Hospital of Los Angeles. (31-RC - 3355) Los Angeles, Calif. June 17. Weekly Summary of NLRB Cases, W-1501; 58, June 30, 1976.
All full-time and regular part-time non-professional employees. . shall vote for representation by Hospital and Service Employees Union . . . or for no representation.

62a Kaiser Foundation Hospitals, Los Angeles and Southern California Permanent Medical Group. (Case No. 21-RC-14613); Weekly Summary of NLRB Cases, W-1496: 13, May 26, 1976.
Nurses. . . shall vote for representation. . . or for none.

63a University of Southern California. (31-RC-3560, Los Angeles, Calif., Sept. 17). Weekly Summary of NLRB Cases. 25, Sept. 29, 1976.
Direction of election of all facilities management employees who shall vote for representation . . . or for no representation.

ELECTIONS - D. C.

64a D. C. Federal City College clericals vote for AFSCME. Government Employee Relations Report. 638: B-26, January 5, 1976.

ELECTIONS - FLORIDA

65a University of Miami (12-RC-5137), Miami, Fla., Aug. 3. Weekly Summary of NLRB Cases. 12, Aug. 11, 1976.
All service and maintenance employees shall vote for representation. . . or for no representation.

ELECTIONS - GEORGIA

66a Atlanta University, (Case No. 10-RC-10704), Weekly Summary of NLRB Cases, W-1506: 17, August 4, 1976.
All . . . power plant employees shall vote for representation . . or for no representation.

ELECTIONS - IOWA

67a NEA, AFT, and AFSCME win college elections in Iowa. (College of Osteopathic Medicine & Surgery). Government Employee Relations Report. 641: B-17, January 26, 1976.

ELECTIONS - MASSACHUSETTS

68a Boston Hospital for Women, (1-RC-14532, 14533, Sept. 30, 1976). Weekly Summary of NLRB Cases. 15, Oct. 13, 1976.
Direction of election - technical unit, and service and maintenance unit.

69a Brandeis University (Mass.), (Case No. 01-RC-14177). NLRB Election Report. ER-171: Pt. 1, p. 14, May 13, 1976.

70a Massachusetts Institute of Technology. (1-RC-14151; Jan. 5). Weekly Summary of NLRB Cases; W-1477; 30, Jan. 14, 1976.
All . . . campus police employees shall vote for representation or for no representation.

71a Massachusetts Institute of Technology. (Case No. 01-RC-14151). NLRB Election Report. ER-171: Pt. 1, p. 25, May 13, 1976.

72a Shriners Hospitals for Crippled Children, Burn Institute Boston Unit, Boston, Mass., (Case No. 1-RC-14247, 14248, 14249); Weekly Summary of NLRB Cases, W-1496: 10, May 26, 1976.
Technical employees. . . shall note for representation . . .or for no representation.

73a University of Lowell and NAGE and SEIU Local 24, (Case No. SCRE-2005, Sept. 21, 1976). Government Employee Relations Report. 680: C-2, Oct. 25, 1976.
NAGE certified as representative of all maintenance, custodial non-professional employees.

ELECTIONS - MICHIGAN

74a Gogebic Community College and Gogebic Community College Michigan Education Associate Organization, (Case No. R76 E-371, Oct. 4, 1976). Government Employee Relations Report. 680: C-3, Oct. 25, 1976.
Union certified as representative of all secretarial and clerical positions.

ELECTIONS - MICHIGAN (cont'd.)

75a Mercy College (Mich.) and Mercy College Police and Security Officers Assn./Police Officers Assn. of Michigan, (Case No. R76 B-70, May 3, 1976). Government Employee Relations Report, 659: C-3, May 31, 1976.
Association is certified as representative of all sworn law enforcement personnel and all security officers.

76a Schoolcraft College (Mich.) and Schoolcraft College Faculty Forum, MEA/NEA, (Case No. R76 C-101, June 29, 1976). Government Employee Relations Report. 667: C-3, July 26, 1976.
Union is certified as representative of all regular part-time clinical nursing instructors.

77a Sinai Hospital of Detroit. (7-RC-13476; 226 NLRB No. 61, Detroit, Mich., Oct. 15, 1976). Weekly Summary of NLRB Cases. W-1517; 14, Oct. 20, 1976.
Board found appropriate requested unit of 50 employees in 11 different job classifications in engineering and maintenance department; election directed.

78a UAW decertified by University of Michigan clerical employees. Academic Collective Bargaining Information Service - Fact Sheet. 28, Sept., 1976. (Also in Government Employee Relations Report. 680: C-4, Oct. 25, 1976; 671: B15-16, Aug. 23, 1976.)

ELECTIONS - NEW JERSEY

79a Drew University, Madison, N. J., (22-RC-6539; 223 NLRB No. 172), April 30, 1976. Weekly Summary of NLRB Cases. 12, May 5, 1976.
Board certifies Local 1310 . . .as representative of all. . . maintenance and custodial employees, including mechanics, mechanics helpers, custodians, truck drivers, groundskeepers, maids and storekeepers.

ELECTIONS - NEW YORK

80a Albany Medical College, (Case No. 28-RD-00228). NLRB Election Report. ER-171: Pt. 1, p. 3, May 13 1976.
Professional/technical staff election.

81a Beth Israel Medical Center. (2-RC-17352, New York City, Aug. 13, 1976). Weekly Summary of NLRB Cases. W-1509: 19, Aug. 25, 1976.
All . . . nurses shall vote for representation . . . or for no representation.

82a Montefiore Hospital (N.Y.) and Medical Center, Rikers Island Health Service, (Case No. 29-RC-3380). Weekly Summary of NLRB Cases. W-1506: 19, August 4, 1976.
All physicians' assistants . . . shall vote for representation . . or for no representation.

ELECTIONS - NEW YORK (con't'd.)

83a New York University Medical Center, a division of New York University, (Case No. 2-RC-17255, 17256). Weekly Summary of NLRB Cases. W-1503; 8, July 14, 1976.

All business office and service clerical employees . . . shall vote for representation by National Union of Hospital and Health Care Employees, or for no representation.

84a The Trustees of Columbia University in the City of New York. (2-RC-16835; 222 NLRB No. 41, Jan. 16). Weekly Summary of NLRB Cases. W-1479, Jan. 28, 1976.

Board found appropriate a unit of all unrepresented full-time and regular part-time clerical employees. Election directed by the Board.

85a University of Rochester, N. Y. (3-RC-6227,6244; 222 NLRB No. 87, Rochester, N. Y., Jan. 22).

Election ordered among physical plant employees, including steam distribution and air conditioning employees and groundskeepers.

ELECTIONS - OHIO

86a Antioch College, Ohio. (Case No. 9-RC-11333); Weekly Summary of NLRB Cases. W-1481: 32, February 11, 1976.

Security officers shall vote for representation . . . or for no representation.

87a Jewish Hospital Association of Cincinnati and Hospital and Health Care Employees. (Case Nos. 9-RC-10844 and 10860, April 2, 1976, 223 NLRB No. 91). Labor Relations Reporter - Decisions of National Labor Relations Board. 91(31): LRPM 1499-1512, Apr. 19, 1976.

Election directed in unit of hospital's service and maintenance employees excluding technical employees; maintenance unit of employees in hospital engineering department is not appropriate.

ELECTIONS - PENNSYLVANIA

88a University of Pittsburgh of Commonwealth System of Higher Education, (Case No. PERA-R-8319-W, June 24, 1974). Government Employee Relations Report. 667: C-7, July 26, 1976.

United Plant Guard Workers is certified as representative of university police officers, security guards.

ELECTIONS - RHODE ISLAND

89a Bryant College of Business Administration, R. I. (Case No. 1-RC-14453). Weekly Summary of NLRB Cases. W-1505: 9, July 28, 1976.

Election directed for registered nurses in health service dept.

ELECTIONS - TENNESSEE

90a Meharry Medical College, Nashville, Tenn. (Case No. 26-RC-04950). NLRB Election Report. ER 170: 11, Pt. I, 4, Pt. II, May 4, 1976.

ELECTIONS - TEXAS

91a St. Luke's Episcopal Hospital, Texas Children's Hospital, Texas Heart Institute, Houston, Texas. (Case No. 23-RC-4237; 222 NLRB No. 109). Weekly Summary of NLRB Cases. W-1481: 28-29, February 11, 1976.
Election directed and Board included technical employees in service and maintenance unit, differentiates between business office clericals and hospital clerical employees.

ELECTIONS - VERMONT

92a Medical Center Hospital of Vermont. (Case No. 1-RC-13942). Weekly Summary of NLRB Cases. W-1476: 14, January 7, 1976.
Nurses . . . shall vote for representation . . . or no representation.

93a Medical Center Hospital (Burlington, Vt.) (Case No. o1-RC-13942). NLRB Election Report. ER-171: Pt. 1, p. 26, May 13, 1976.
Clerical, technical staff.

ELECTIONS - WISCONSIN

94a Madison (Wis.) General Hospital nurses choose WNA representation. Government Employee Relations Report. 669: B-19, Aug. 9, 1976.

GRIEVANCE PROCEDURES

95a Grievance procedure in health care industry. Labor Relations Reporter - News and Background Information. 91(5): 91 LRR 59 - January 19, 1976.

LEGISLATION - FEDERAL

96a Health care institutions. Labor Relations Reporter - Labor Relations Expediter. Supplement No. 419, February 2, 1976.
1974 amendments to Taft-Hartley Act extended its coverage to private non-profit hospitals, and established special . . . procedures to minimize work stoppages in contract disputes.

NLRB DECISIONS - HEALTH CARE INSTITUTIONS

97a Bargaining unit for hospital maintenance and service employees. (NLRB rejects union request for unit limited to maintenance employees). Labor Relations Reporter - Summary of Developments. 91(31): 5, April 19, 1976.

98a Employee status of hospital interns and residents. Labor Relations Reporter - Summary of Developments. 91(25): 2-3, March 29, 1976.
Interns, residents and clinical fellows who make up the "housestaff" of a medical center are not employees covered by the Taft-Hartley Act and therefore may not be the subject of a petition for a representation election, the NLRB holds. (See citation under Cedars-Sinai Medical Center). (Also in NLRB Press Release, R-1444, March 23, 1976; Chronicle of Higher Education, March 22, 1976).

99a Housestaff association assembly gives top priority to organizing. (Physicians National Housestaff Association) . . . despite recent NLRB rulings. Government Employee Relations Report. 658: B6-7, May 24, 1976.

100a NLRB rulings on hospital bargaining units. Labor Relations Reporter - Summary of Developments. 92(13): 4, June 14, 1976.
Concerns hospital's maintenance and engineering department, and unit of emergency medical technicians including ambulance drivers and stewards, none of which were ruled to constitute a separate unit for bargaining. (St. Joseph Hospital, Chicago, Ill., and North Memorial Medical Center, Minneapolis, Minn.)

101a Third party payers and collective bargaining. Labor Relations Reporter - News and Background Information. 92(9): LRR, 90-91, May 31, 1976.
Increasing control third party payers -- insurance companies or government agencies -- are exercising over . , health care industry . . threatens to erode collective bargaining process.

NLRB DECISIONS - HEALTH CARE - CALIFORNIA

102a Cedars-Sinai Medical Center (Los Angeles). (Case No. 31-RC-2983; 223 NLRB No. 57). Weekly Summary of NLRB Cases. W-1488: 21, March 31, 1976 (Also Labor Relations Reporter - Summary of Developments. 91(29): 1-2, April 12, 1976; and in Labor Relations Reporter - Decisions of NLRB. 91(25): 1369-1416, Mar. 29, 1976.)
The Board held that interns residents, and clinical fellows were students rather than employees within the meaning of the Act.

NLRB DECISIONS - HEALTH CARE - CALIFORNIA (cont'd.)

103a Cedars-Sinai Medical Center and Cedars-Sinai Housestaff Association. (Case No. 31-RC-2983; 224 NLRB No. 90). Labor Relations Reporter - Decisions of National Labor Relations Board. 92: LRRM 1302-1303, June 28, 1976.
The Board denies motion for reconsideration of decision.

104a Kaiser Foundation Hospitals (Los Angeles, Calif.). (Case No. 31-CA-5184; 223 NLRB No. 51). Weekly Summary of NLRB Cases. W-1488: 11-12, March 31, 1976.
Board found that the employer's course of conduct and relationship with the Registered Nurses Representation Committee amounted to unlawful aid and assistance.

NLRB DECISIONS - HEALTH CARE - ILLINOIS

105a University of Chicago Hospitals and Clinics. An organizational unit of the University of Chicago, Chicago, Ill., and University of Chicago Hospitals and Clinics Housestaff Association. (Case No. 13-RC-13599, April 22, 1976; 223 NLRB No. 154). Labor Relations Reporter - Decisions of NLRB. 92(3): 92 LRRM 1039-1040; May 10, 1976.
Association that is composed solely and exclusively of interns, residents and fellows at university's hospitals and that seeks to represent them is not labor organization within meaning of LMRA.

106a St. Joseph Hospital, Chicago. (Case No. 13-RC-13501; 224 NLRB No. 47). Weekly Summary of NLRB Cases. W-1497: 28-29, June 2, 1976.
Found that maintenance and engineering department employees did not possess a community of interest sufficiently separate and distinct from service and maintenance employees to form separate unit.

NLRB DECISIONS - HEALTH CARE - KANSAS

107a Kansas City General Hospital and Medical Center, and Hospital Hill Health Services Corp. (Case No. 17-RC-7656; 225 NLRB No. 14). Weekly Summary of NLRB Cases. W-1501: 39, June 30, 1976.
Petition by the union dismissed. Residents and interns are not employees within the meaning of the Act.

NLRB DECISIONS - HEALTH CARE - MASSACHUSETTS

108a Beth Israel Hospital, Boston, Mass. (1-CA-10200; 223 NLRB No. 188), April 30. Weekly Summary of NLRB Cases. W-1494, 2, May 12, 1976. (Also in Labor Relations Reporter - Decisions of NLRB. 92(5): LRRM, 1078-9, May 17, 1976).
Board affirmed unfair labor practice findings re prohibition of union literature distribution.

NLRB DECISIONS - HEALTH CARE - MASSACHUSETTS (cont'd.)

109a Massachusetts Labor Commission rules interns and residents are employees. (Cambridge Hospital). Government Employee Relations Report. 658: B1 - B2, May 24, 1976.

NLRB DECISIONS - HEALTH CARE - MICHIGAN

110a Wayne State University. (7-RC-126-39; 226 NLRB No. 168). Detroit, Mich., Nov. 19. Weekly Summary of NLRB Cases. W-1522, 15, Nov. 24, 1976.

Dismissal of petition by association seeking to represent interns, residents, fellows at 5 hospitals because found to be students not employees within meaning of Act.

NLRB DECISIONS - HEALTH CARE - MINNESOTA

111a North Memorial Medical Center, Minneapolis, Minn. (Case No. 18-RC-10612; 224 NLRB No. 28). Weekly Summary of NLRB Cases. W-1497: 24-25, June 2, 1976.

Dismissed petition for a unit confined to emergency medical technicians.

NLRB DECISIONS - HEALTH CARE - NEBRASKA

112a Nebraska Methodist Hospital. (Case No. 17-CA-6698; 222 NLRB No. 1, Jan. 8). Weekly Summary of NLRB Cases. W-1477: 7-8, Jan. 14, 1976.

The Board found that the employer illegally refused to bargain with the union.

NLRB DECISIONS - HEALTH CARE - NEW YORK

113a The Buffalo General Hospital, N. Y. (Case No. 3-RC-6267; 224 NLRB No. 17). Weekly Summary of NLRB Cases. W-1497: 27, June 2, 1976.

Found that interns and residents were primarily students, not employees.

114a North Shore University Hospital, Manhasset, N. Y. (29-CA-4290-2; DS-834, May 3). Weekly Summary of NLRB Cases. W-1494, 19, May 12, 1976.

Board orders employer to cease discouraging membership in union.

NLRB DECISIONS - HEALTH CARE - NEW YORK (cont'd.)

115a St. Luke's Hospital Center and District 1199, National Union of Hospital and Health Care Employees, RWDSU. (Case No. 2-CA-13501, 2-CB-5709; 221 NLRB No. 217). Weekly Summary of NLRB Cases. W-1476: 4-5, January 7, 1976.

Board found that the employer violated the Act by threatening to discharge dieticians for their failure to comply with a union-security agreement.

NLRB DECISIONS - HEALTH CARE - PENNSYLVANIA

116a Children's Hospital of Pittsburgh. (Case No. 6-RC-7167; 222 NLRB No. 90). Weekly Summary of NLRB Cases. W-1481: 28, February 11, 1976.

Board determined bargaining unit and directed elections. Rejected contention that employer is so closely related to University and thus to State that jurisdiction should not be asserted.

117a Children's Hospital of Pittsburgh and Children;s Hospital Technical Employees Independent Assn. (Case No. 6-RC-7167, January 27, 1976; 222 NLRB No. 90). Labor Relations Reporter - Decisions of NLRB. 91(29): 91 LRRM 1440-1450, April 12, 1976.

Licensed practical nurses are excluded from unit of technical employees of hospital even though NLRB usually includes LPNs in technical units.

118a St. Christopher's Hospital for Children, Phila., Pa. (Case No. 4-RC-11363; 223 NLRB No. 58). Weekly Summary of NLRB Cases. W-1488: 21-22, March 31, 1976. (Also in Labor Relations Reporter - Decisions of NLRB. 91(27): 1417-1418, April 5, 1976).

The Board found that housestaff officers were not employees.

NLRB DECISIONS - HEALTH CARE - TENNESSEE

119a Baptist Memorial Hospital, Nashville, Tenn. (Case No. 26-CA-5331; 223 NLRB No. 34). Weekly Summary of NLRB Cases. W-1488: 13-14, March 31, 1976.

The Board affirmed an administrative law judge's findings of the employer's unfair labor practice.

120a The Baptist Memorial Hospital, Memphis, Tenn. (Case No. 26-RC-4908; 224 NLRB No. 51). Weekly Summary of NLRB Cases. W-1497: 27-28, June 2, 1976.

Maintenance personnel did not possess a community of interest sufficiently separate and distinct from all other service and maintenance employees.

NLRB DECISIONS - HEALTH CARE - TEXAS

121a Baylor University Medical Center, Dallas, Tex., and Laborers, Local 648 and Texas Laborers District Council, AFL-CIO. (Case Nos. 16-CA-5888, 6050, 6206, July 29, 1976, 25 NLRB No. 102). Labor Relations Reporter - Decisions of NLRB. 92(35): LRRM 1640, Aug. 30, 1976. (Also in Weekly Summary of NLRB Cases. W-1506: 2, Aug. 4, 1976).

Hospital violated LMRA by engaging in surveillance of union activity; and guilty of discrimination in termination of accounts collection assistant at end of probationary period.

122a St. Luke's Episcopal Hospital, Texas Children's Hospital, Texas Heart Institute (Houston, Texas), and Teamsters, Local 988. (Case No. 23-RC-4237, Jan. 30, 1976; 222 NLRB No. 109). Labor Relations Reporter - Decisions of NLRB. 91(23): 1359-1366, March 22, 1976.

College of medicine and hospital corporations are classified as joint employers for the purpose of bargaining with service and maintenance workers.

NLRB DECISIONS - OTHER - ALABAMA

123a Tuskegee Institute, Tuskegee, Ala. and Laborers, Local 1380. (Case No. 15-RC-5676, Dec. 2, 1975; 221 NLRB No. 150). Labor Relations Reporter - Decisions of NLRB. 91(1): 91 LRRM 1015-1016, January 5, 1976.

Unit of employees working in 10 subsidiary departments of one employer's four administrative divisions is not appropriate for bargaining.

NLRB DECISIONS - OTHER - D. C.

124a Howard University (Washington, D. C.) and Allied International Union of Security Guards and Special Police. (Case No. 5-RC-9363, June 7, 1976; 224 NLRB No. 44). Labor Relations Reporter - Decisions of National Labor Relations Board. 92: LRRM, 1249-1252, June 21, 1976. (Also in Summary of Developments. 92: 2-3, Jan. 21, 1976 and Higher Education Daily 6, June 29, 1976).

NLRB asserted jurisdiction over Howard University despite earlier decision that university had "unique relationship" with federal government. Directs election for security officers.

NLRB DECISIONS - OTHER - MASSACHUSETTS

125a NLRB v. Service Employees Local 254 (Massachusetts Inst. of Technology). (U. S. Court of Appeals, First Circuit (Boston). No. 75-1406, May 21, 1976). Labor Relations Reporter - Decisions of the Courts. 92: LRRM 2577-2580, June 14, 1976.

Union found not violating the Act when, during a strike, a picket hit an employee who crossed the picket line.

NLRB DECISIONS - OTHER - MASSACHUSETTS (cont'd.)

126a Trustee of Boston University. (Case No. 1-CA-10623, 10624; 242 NLRB No. 179). Weekly Summary of NLRB Cases. W-1501: 19, June 30, 1976.

The Board agreed with an administrative judge's ruling but ordered reinstatements of the employees after their concerted activities ended in dismissals.

NLRB DECISIONS - OTHER - NEW YORK

127a The Trustees of Columbia University in the City of New York. (Case No. 2-CA-13704; 225 NLRB No. 9). Weekly Summary of NLRB Cases. W-1501: 14, June 30, 1976. (Also in Labor Relations Reporter - Decisions of NLRB. 92(31): LRRM 1575-6, Aug. 16, 1976).

The Board affirmed finding of unfair labor practice on the part of the employer . . . in prohibiting use of all its property . . for purpose of union organization.

128a University of Rochester, Rochester, N. Y. and Physical Plant Skilled Trades Assn. and Operating Engineers, AFL-CIO. Labor Relations Reporter - Decisions of NLRB. 91(15): 91 LRRM 1248-1250, February 23, 1976.

"Steam distribution employees" sought by union do not constitute appropriate bargaining unit and are included in rival union's requested unit of employer's physical plant employees.

NLRB DECISIONS - OTHER - NORTH CAROLINA

129a Duke University. (11-RC-4041; 226 NLRB No. 54, Durham, N. C., Oct. 18, 1976). Weekly Summary of NLRB Cases. W-1518: 22-23, Oct. 27, 1976.

Decision on review re. issue of placement of EEG technicians prior to conducting an election.

PROFESSIONAL SCHOOLS

130a Antioch (Univ.) law faculty become first to sign union contract . . . provisions include non-faculty staff. Higher Education Daily. 5-6, June 11, 1976.

PUBLIC EMPLOYEE RELATIONS BOARD DECISIONS - MASSACHUSETTS

131a City of Boston, Dept. of Health and Hospitals and Howard Rotman, Mass. (LRC Case No. MUP-2135, Sept. 7, 1976). Government Employee Relations Report. 680: B-10 to B-11, Oct. 25, 1976.

Massachusetts Labor Relations Commission reverses discharge of orderly who spearheaded safety drive.

PUBLIC EMPLOYEE RELATIONS BOARD DECISIONS - MICHIGAN

132a University of Michigan and Francis L. Baker and Mary Crawford. (Case No. C75-B-51, April 1, 1976, Michigan Employment Relations Board). Government Employee Relations Report. 672: C-3, Aug. 30, 1976.
Commission upholds administrative law judge's findings that employees failed to prove that transfers were result of union activity.

PUBLIC SECTOR LABOR RELATIONS

133a Campus wage-hour audits end. The Chronicle of Higher Education, 3, July 6, 1976.

134a Oregon State Employees Assoc. v. University of Oregon Health Sciences Center and AFSCME v. same. (Cases C-395 and C-401, April 29, 1976). Government Employee Relations Report. 672: C-5, Aug. 30, 1976.
Election objections.

SALARIES

135a College and University Personnel Association finds administrative salaries trail cost-of-living rise. (NACUBO) College and University Business Officer. 9(10): 8, Apr., 1976.

136a Maricopa County (Ariz.) Community College District . . . (receive salary raise for maintenance and operational employees, clerical workers). Government Employee Relations Report. 656: B22, May 10, 1976.

STRIKES

137a Employees and 10-day strike at three Cincinnati hospitals. (Univ. of Cincinnati, General and Holmes). Government Employee Relations Report. 668: B-17, August 2, 1976.

138a L.A. interns, residents return after strike . . . protesting lack of progress in negotiations . . . re. medical care . . . Government Employee Relations Report. 655: B-19, May 3, 1976.

139a Library workers, Brown University settle strike. The Chronicle of Higher Education. 2, Nov. 29, 1976.

STRIKES (cont'd.)

140a New York City Municipal Hospital strike ends; employees will swap cost-of-living increase for jobs. Government Employee Relations Report. 669: B-15, Aug. 9, 1976. (Also in 666: B-17, July 19, 1976.

141a Permanent injunction issued at Gallipolis (Ohio) State Institute. Government Employee Relations Report. 645: B-18, February 23, 1976.

142a Physicians (interns and residents) return to work at Albert Einstein College of Medicine, N. Y. following dispute over collective bargaining rights. The Chronicle of Higher Education. 2, Nov. 1, 1976.

143a Two colleges end disputes with unions (Wayne State Univ., Detroit and Community College of Beaver County, Pa.). The Chronicle of Higher Education. 7, Oct. 4, 1976. (Also in Academic Collective Bargaining Information Service Fact Sheet #29, 30, Oct., Nov., 1976.

144a University workers' strikes end at Brown, Columbia. The Chronicle of Higher Education. 2, Oct. 18, 1976.

145a Wages of New York Municipal Hospital workers docked for striking. Government Employee Relations Report. 677: B-16, Oct. 4, 1976.

146a Workers walk out at Madison (Univ. of Wisconsin). The Chronicle of Higher Education. 2, Mar. 10, 1976.

147a Contract follows strike in British Columbia. (Library and Clerical workers). The Chronicle of Higher Education. 2, Jan. 12, 1976.

UNIONS

148a AFSCME's local leaders resigning at Ohio State U. charging neglect of local union. Government Employee kelations Report. 681: B-24, Nov. 1, 1976.

149a AFT versus NEA. Pickets exclusive representation. Government Employee Relations Report. 649: B18, Mar. 22, 1976.

150a CWA within rights in organizing workers where AFSCME has contract. (Ohio State Univ.) Government Employee Relations Report. 649: B1-B2, Mar. 22, 1976.

151a Unions won bargaining rights for record total of 23,885 employees in 1975, BNA reports, (with most of increase in organizing among professional employees in health-related areas--i.e. clerical, technical). Labor Relations Reporter - News and Background Information. 91(31): LRR 312, April 19, 1976.

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GLOSSARY

A:

Academic freedom - Faculty should be free from institutional censorship or discipline and is entitled to intellectual freedom in research and publications. Implicit in the term are special obligations re. introduction of controversial matter which has no relation to subject taught. Limitations of academic freedom because of religious or other aims of the institution should be stated in writing at the time of appointment.

Accountability - Demands placed on institutions of higher education and the individuals that provide educational services to be "accountable" to one or more groups in some aspect of their behavior such as validity of objectives, effectiveness of expenditures, day-to-day performance of their functions, or educational results of activities.

Across-the-board increase - A general wage increase simultaneously affecting all or most employees in a company or industry by way of a uniform cents-per-hour or percentage increase.

Ad Hoc Arbitration, see Arbitration, Ad Hoc.

Administrative law judge - Official who rules on questions that arise in labor relations such as unit determination and unfair labor practices. Usually holds hearings and makes recommendations to the National Labor Relations Board or other government agency. (Formerly called a trial or hearing examiner).

Adversary model - Used to describe governance structures in which employees and management, for example, compete for authority. See also collegiality.

Affirmative action - Compliance with federal guidelines for purpose of advancing occupational and/or educational interests of specific minorities. Elements of affirmative action include employment practices, testing and validation, and promotion procedures. Deals not only with overtly discriminatory practices, but also those which are fair in form but discriminatory in effect.

Affirmative action officer - Person who carries out an affirmative action program and monitors and evaluates departments that are trying to increase number of female and minority group employees.

Affirmative order - Command issued by a labor relations board requiring that persons guilty of unfair labor practices take necessary steps to undo effects of such practices.

Agency shop - Provision of a collective bargaining agreement that requires all employees of the bargaining unit to pay fees to the union. They are not required to actually become members as under union shop. Synonomous with fair share agreement.

Agent - A union that has been named as the exclusive representative of the employees for purposes of bargaining over wages, hours, and other terms and conditions of employment.

Agreement, Collective Bargaining - A written agreement (contract) resulting from negotiation between employer or group of employers and employee organization or group of organizations. Usually contains provisions such as conditions of employment (wages, fringe benefits, hours of work) and procedures to be used in settling disputes during term of the contract. Usually run for a definite period of time.

Agreement enforcement - The method by which either employees or management seeks to resolve a dispute over administration of a collective bargaining agreement. Methods of enforcing agreement when mutual consent is impossible are through the grievance machinery, appeals to court, or by strikes.

Amendment of certification, see Clarification of unit.

American Arbitration Association (AAA) - A private, non-profit organization established to promote arbitration as a method of settling labor disputes. Provides lists of qualified arbitrators on request as well as rules of procedure for conduct of arbitration.

American Association of University Professors (AAUP) - A national organization of faculty members originally founded for the protection of academic freedom and tenure. In 1971 voted to pursue collective bargaining as a "major additional way" of achieving its goals.

American Federation of State, County and Municipal Employees (AFSCME) - The largest union representing "non-academic" campus workers. An AFL-CIO affiliate.

American Federation of Teachers (AFT) - An affiliate of the AFL-CIO organized to represent both college professors and school teachers.

Anti-Injunction Law (Norris-LaGuardia Act) - A federal law passed in 1932 which restricted the rights of U.S. Courts to issue injunctions aimed at restraining activities of labor unions. The Taft-Hartley Act of 1947 restored some injunctive power to the courts.

Anti-Strikebreaking Act (Byrnes Act) - A federal law passed in 1936 which prohibits the interstate transportation of "any person who is employed or is to be employed for the purpose of obstructing or interfering by force or threats with the peaceful picketing by employees during a labor controversy or the exercise by employees of any of the rights of self-organization or collective bargaining."

Antitrust laws - Federal and state statutes to protect trade and commerce from unlawful restraints and monopolies. Used for many years to restrict union activities such as strikes, picketing, and boycotts. Recently their use in labor cases has been limited by statute and judicial interpretation.

Arbitrability - The extent to which management is obligated by contract to take a particular grievance or dispute to arbitration. The answer is usually determined by an arbitrator or by a court.

Arbitration - The process of referring disputes between employers and employees (or between two rival unions) to the decision of impartial adjudicators. Employed to resolve impasses in negotiations or as the final step in a grievance procedure. While an arbitrator's decision is legally binding, arbitration differs from judicial process in that the disputants have voluntarily agreed to refer the matter to arbitration and have themselves selected the arbitrator, and hearings are usually much less formal than court proceedings. Also, the arbitrator may make independent investigations. Most common types are grievance and interest arbitration.

Arbitration, Ad Hoc - Temporary, single-case arbitration. This is distinguished from "permanent" arbitration systems in which "permanent" arbitrators are named to serve for the life of the agreement or a stipulated term, hearing all disputes that arise during this term.

Arbitration, Compulsory - Mandated by statute. If mediation and fact-finding fail, the submission of dispute to arbitrator or board of arbitration is involuntary and does not require approval by parties.

Arbitration, Grievance - Arbitration of disputes that arise over interpretation of existing collective bargaining agreement. Sometimes referred to as rights arbitration. Grievance arbitrator interprets and applies the contract, judging the meaning and intent of the contract.

Arbitration, Interest - Arbitration of disputes that arise during course of contract negotiations when arbitrator makes decision on what will be contained in contract. Usually employed after mediation and/or fact-finding have failed to resolve contract

Arbitrator - An impartial third party to whom disputing parties submit their differences for decision (award).

Authorization card - Statement signed by an employee designating an employee organization to act as his representative in collective bargaining. This signature does not necessarily mean that he is a member of the organization.

Automatic wage adjustment - A plan whereby wage rates are raised or lowered according to an established formula in response to other specified changes such as cost-of-living, business profits, or prices.

Award - In labor-management arbitration, the final decision of the arbitrator, usually binding on both parties to dispute.

B:

Back pay - Compensatory wages due an employee because of 1) employer violation of minimum wage laws, 2) layoff or discharge in violation of labor legislation or collective agreement. To be distinguished from retroactive pay.

Back-to-work movement - An agreement by striking workers to return to their jobs before union has declared an end to the strike.

Bargainability, see Scope of Bargaining.

Bargaining agent, see Agent.

Bargaining representative - Any organization, agency or person authorized by an employer, employee, group of employees, or employee association to act on its behalf and represent them.

Bargaining rights - Generally refers to workers' right to bargain collectively with employers as established by law and judicial interpretations.

Bargaining unit - A group of employees who voluntarily unite, or by decision of a government agency such as the NLRB are deemed to be an "appropriate" unit for bargaining collectively with their employer.

Bidding - System of having vacant jobs posted on bulletin boards or otherwise circularized with present employees having the privilege of applying on basis of their seniority.

Bilateral action - The joint action of the parties through collective bargaining before final action is taken, as distinguished from "unilateral" action where the employer makes decisions without discussion or agreement with the bargaining agent.

Binding arbitration, see Arbitration.

Bi-partite board - A joint board consisting of equal number from labor and management, set up as a step in the grievance machinery just prior to arbitration. A majority vote is needed to dispose of a grievance. If the board is deadlocked, a neutral member may step in to break tie vote.

Blue-Sky bargaining - Unrealistic and unreasonable demands in negotiations made either by labor or management or both, usually at the beginning of negotiations.

Board of inquiry - Board set up by public agency to investigate a labor dispute. (See also Fact-Finding.)

Boards of mediation - The various state mediation agencies that perform services to further and assist arbitration.

Bona fide union - A union chosen or organized freely by employees without unlawful influence on the part of their employer.

Breach of contract - Alleged violations of the collective bargaining agreement which may be subject to an established grievance machinery or may be remedied by suing through the courts.

Bumping - During layoffs, the displacing of junior employees by workers of longer service; sometimes referred to as "backtracking".

Bureau of National Affairs (BNA) - An information service that covers federal and state developments in labor relations with special materials in the fields of collective bargaining, arbitration, wage and hour regulations.

Business agent - A union official who handles grievances, helps enforce agreements, and performs other administrative tasks for the union. Usually paid employees of the union.

Business unionism - ("bread-and-butter" unionism) - Used to characterize objectives of trade union movement in the United States with emphasis on higher wages and better working conditions rather than political action or radical reform of society.

Byrnes Act - see Anti-Strikebreaking Act.

C:

Card-carrying members - Union members in good standing who have evidence of their membership.

Card Check - Checking union authorization cards signed by employees against employer's payroll to determine whether a union represents a majority of the employees.

Carnegie Commission Reports - Reports by the Carnegie Commission on Higher Education have served as informational resources for policy-makers in universities, government and business organizations. The Commission's investigations have included Federal funding, expanding educational opportunity, community college development, campus dissent, financing higher education, etc.

Caucus - In negotiations, when the union or employer requests a recess to discuss, by itself, a proposal or offer made by the other party or mediator.

Cease and desist order - Command issued by a labor relations board requiring employer or union to abstain from unfair labor practice, or abide by guidelines in the enabling legislation.

Certification - Normal determination by state administrative agency that a particular union is the majority choice and hence exclusive bargaining agent of all employees in a given bargaining unit.

Chairperson - see Department Chairperson

Challenged ballot - A vote questioned by one of the parties to a representation election. Challenged ballots are kept sealed, and opened and counted only if their number is sufficient to affect the outcome of the election.

Checkoff - Employer, by agreement with the union, withholds union dues and assessments from the pay of union members and turns the funds over to the union. The 1947 Labor-Management Relations Act and the state laws permit checkoff only for those employees who individually authorize the employer to make such withholdings.

Clarification of unit - A procedure where an administrative agency or the employer and union, redefine a bargaining unit.

Classification plan - A method of describing and evaluating a job so that a fair rate of pay may be assigned which has some relationship to the status of the job and the proficiency required to perform it.

Closed shop - Employees must belong to the union before they can be hired was declared illegal by the 1947 Labor-Management Relations Act.

Closed union - A union which purposely makes membership in that union difficult by setting high initiation fees, limiting admission to persons, completing specified apprenticeship training, setting social and ethnic barriers, or using other methods to protect the job apportunities of present union members.

Coalition (coordinated) bargaining - joint or cooperative efforts by a group of unions in negotiating contracts with an employer who deals with a number of unions.

Coercion - Economic or other pressure exerted by an employer to prevent employees from freely exercising their right to self-organization and collective bargaining; or intimidation by union or fellow employees to compel affiliation with union.

Collective agreement - see Agreement, Contract.

Collective bargaining (collective negotiations) - A method of bilateral decision making in which representatives of the employees and employer determine the conditions of employment of all workers in a bargaining unit through direct negotiation. The bargaining normally results in a written contract which is mutually binding and sets forth wages, grievance procedures, and other conditions of employment to be observed for a stipulated period. Collective bargaining is to be distinguished from individual bargaining, which applies to negotiations between an individual employee and the employer.

Collegiality - Refers to the concept of shared authority in decision-making characterized by joint faculty-administration committees or deliberation bodies. Management and employees exercise joint responsibility. The term traditionally applied to campus governance. See also adversary model.

Collusion - A conspiracy between an employer and the certified representative of his employees to defraud the employees while providing the semblance of a genuine bargaining relationship.

Community colleges - Public or private 2-year colleges that offer academic, general, occupational, remedial and continuing adult education.

Community of interest - A factor to be considered in determining whether employees should be grouped together as an appropriate bargaining unit. Community of interest guidelines include similar working conditions, similar job responsibilities, desires of the employees, common, centralized supervision or work site, common skills or educational requirements.

Company union - Organizations of employees of a single employer usually with implication of employer domination. National Labor Relations Act and nearly all public sector collective bargaining statutes declare such employer domination as an unfair labor practice. Faculty senates and similar bodies considered by some to be modern company unions.

Conciliation - Attempts by neutral party to reconcile opposing viewpoints in a labor dispute in order to help the negotiating parties come to a voluntary settlement. In current usage, the terms conciliation and mediation are used interchangeably, although traditionally a "conciliator" played a less active role than a "mediator" in a labor dispute.

Consent Election - A method of holding elections and determining the wishes of employees in an appropriate bargaining unit without a formal hearing.

Continuous negotiating committees (interim committees) - Established by employers and employee organizations in a collective bargaining relationship to keep an agreement under constant review to discuss possible changes long in advance of its expiration date. (see also Crisis Bargaining).

Contract - Formal agreement over wages, hours and conditions of employment between an employer or group of employers and one or more unions representing employees.

Contract bar clause - Rules applied by the NLRB to determine when an existing contract between an employer and a union will bar a representation election sought by rival group.

Contributory welfare plan - A retirement pension or other benefit plan whose cost is shared (not necessarily equally) by both the employer and the employees.

Cooling-off period - Period during which employees are forbidden to strike, under a law which requires a definite period of notice before a walkout.

Cost-of-living adjustment - see Escalator Clause.

Cost-of-living index - A measure of the change in the retail price of goods, rents, and services. The most widely known index, Consumers Price Index or CPI, of the Bureau of Labor Statistics, is issued every month and represents the average change in prices of living essentials in representative large cities.

Crisis bargaining - Collective bargaining taking place under the shadow of an imminent strike deadline. (see also Continuous negotiating committee).

D:

Daily Labor Report - A report published by the Bureau of National Affairs, Inc. to provide practitioners with official decisions and actions affecting labor-management relations.

Deauthorization election - Election held by the NLRB under the Taft-Hartley Act to determine whether employees wish to deprive their union bargaining agent of authority to bind them under a union-shop contract.

Decertification - Withdrawal from a union of its recognition as exclusive bargaining agent, following a vote by employees that they no longer want the union as their representative.

Deferred wage increase - Negotiated changes which do not become effective until some specified date in the future.

Department chairperson - Faculty member responsible for certain administrative and supervisory tasks. The position has been included in some faculty units and excluded in others, and their role is a critical area in academic unionization. National Labor Relations Board has developed guidelines for deciding whether they are first-level administrators or faculty members who should be in the bargaining unit.

Department seniority - Seniority based upon years of service in a particular department or agency of a jurisdiction rather than the entire service time.

Direct action - A way in which some unions gain concessions from the employer or force management to settle a grievance through the use of threats, slowdowns, or various forms of strike action rather than using negotiations or the grievance machinery in the collective bargaining contract.

Disaffiliation - The procedure whereby a local union separates from the national or international union of which it is a member; or a national or international union withdraws from a federation to which it belongs.

Discharge - Involuntary dismissal of an employee for cause. A discharged employee, unlike one laid off, loses his seniority rights to re-employment.

Discrimination - Refusal to hire, promote, or admit to union membership because of race, creed, color, sex, age or national origin; also a means of encouraging or discouraging membership in a labor organization.

Dismissal - see Non-reappointment.

Dismissal wage - Payment by the employer to an employee who is permanently and involuntary laid off.

Dispute - A controversy between an employer and employees (or union) that is sufficiently serious to be referred to an arbitrator or government agency for settlement or to threaten or cause a work stoppage.

Dispute settlement - Techniques used to resolve labor-management disputes in order to avoid strikes or other forms of economic warfare. There are many methods used for settlement of these differences, such as mediation, conciliation, fact-finding, emergency boards, arbitration, or litigation.

Downgrading - The reassignment of workers to tasks with lower skill requirements and lower pay rates may occur during periods of work force reduction through the bumping process.

Due process - Two categories; substantive due process seeks to guarantee that convincing reasons exist for whatever decision is reached; procedural due process refers to method for carrying out decision process.

Dues check-off - see Check-off.

Dues, union - see Union Dues.

Duty to bargain - see Good Faith Bargaining.

E:

Earnings - Total remuneration for services rendered or time worked including overtime, bonuses and commissions, and other premium pay. (see also Escalator Clause).

EEOC - The Equal Employment Opportunity Commission, established by Title VII of the Civil Rights Act of 1964, prohibits employers or labor unions with 25 or more employees from discriminating against an individual because of race, color, religion, sex or national origin.

Eligibility list - A list usually used by civil service agencies to determine, after written or oral examination, those persons who are eligible to be hired for certain jobs. Another form of eligibility list is used in representation elections conducted under federal and state labor relations laws which names those employees eligible to vote.

Employee election - Balloting by employees for the purpose of choosing a bargaining agent or unseating one previously recognized.

Employer association - An organization of employers in related enterprises, usually acting together to establish labor policy or to bargain as a group with one or more unions.

Employment contract - Agreement between an employer and one or more employees.

Enabling legislation - With regard to Collective Bargaining, laws which allow public employees to organize into associations and bargain as a single entity. See Meet and Confer.

Equal pay for equal work - A wage plan or legal provision for the same compensation to all employees within an establishment or other bargaining unit, who are performing the same kind and amount of work, regardless of race, sex, or other characteristics of the individual workers.

Escalator clause - A clause in the contract requiring that wage/salary scale be adjusted periodically to changes in the cost of living (as determined by the Consumer Price Index).

Escape period - A period, normally 15 days, enabling employees to resign from a union so as not to be bound to continue membership under membership-maintenance agreements.

Exclusive representation - Granting a union status as the sole representative of the designated bargaining unit.

Exempt employees - Employees who are not subject to the provisions of the Fair Labor Standards Act.

Exigency - see Financial Exigency.

Expiration date - Formal termination date established in a collective bargaining agreement, or the earliest date at which the contract may be terminated.

F:

Fact-finding - A means of resolving impasses in bargaining in which an independent third party, usually appointed by a labor relations agency, by the parties themselves, or, at the request of the parties, by the American Arbitration Association, holds a hearing and makes non-binding recommendations for resolving disputes.

Faculty - Those employed by a college or university in a professional capacity; can refer to administrative, teaching and non-teaching personnel.

Faculty rights and responsibilities - see Academic Freedom.

Fair employment practice - Conducting employment in compliance with prohibitions against discrimination because of race, color, religion, sex, or national origin.

Fair share - A fee paid to the union by members of a bargaining unit who have not joined that union. The fee covers the services of the union in securing bargained for benefits such as negotiated wage rates and grievance arbitration procedures enjoyed by the non-union employee.

Featherbedding - Practices, usually by unions, such as demanding payment for work not performed, refusing to allow adoption of labor-saving equipment, and creating non-essential jobs.

Federal mediation and conciliation service-(FMCS) - Basic arbitration function is the maintenance of a roster from which the Service can nominate arbitrators to the parties.

Field examiner - An employee of the NLRB whose primary duties are to conduct certification elections and to conduct preliminary investigations of unfair labor practice charges.

Final offer arbitration - Forces arbitrator to choose between employer's and union's positions on each issue or as a package, in dispute under the arbitration.

Financial exigency - Fiscal situation where employer feels it is necessary to curtail programs and/or lay off employees. Also a situation in which a university declares that its financial difficulties warrant abrogation of job-security provisions, including tenure. See also Retrenchment.

Fiscal dependence - Term indicating a government unit's lack of revenue-raising power.

Formal notification - A procedure that is occasionally required in a collective bargaining agreement which calls for the parties to specify the form a particular type of notice must take in order to assure the parties that the information will be properly and officially delivered.

Free rider - A union term for a worker who does not belong to a union but nevertheless receives the benefits derived from a union-negotiated contract or other union activity.

Fringe benefits - Compensation other than salary, such as insurance, medical benefits, pensions, and other similar benefits that are given to an employee under his employment or union contract in addition to direct wages.

Functus officio - An arbitrator's authority and jurisdiction are entirely terminated by the completion and delivery of an award. After the award has been rendered, the arbitrator should not issue any clarification or interpretation thereof, or comments thereon, except at the request of both parties.

Furlough - Period of layoff.

G:

Goldfish bowl bargaining - A controversial procedure in which collective negotiation sessions are open to the press and the public and are constantly under the surveillance of the public eye. The theory is that if public funds are involved the negotiation process leading to an allocation of those funds should be open to public scrutiny. Also called "Sunshine bargaining."

Good-faith bargaining - Employees and management agree to bargain according to the governing rules and legislation and to work toward reaching a settlement through negotiation.

Goon - a person hired either by a union or by management during a labor dispute to create violence and intimidate the other side.

Governance - The act of collegial decision-making, peer group evaluation or administrative deliberations made in the context of running a university. See Collegiality.

Grievance - A complaint usually by an individual, but sometimes by the union or management, concerning interpretation of a collective bargaining agreement. Method of dealing with individual grievances is usually spelled out in the union contract.

Grievance arbitration - see Arbitration, Grievance.

Grievance committee - Committee designated by a union to meet periodically with the management to discuss grievances that have accumulated.

Grievance machinery - The methods, usually described in the collective bargaining agreement, to resolve problems which arise in the application and interpretation of the contract.

Grievance procedure - A method of dealing with a complaint made by an individual or by union or management that allows the work place to continue operating without interruption. The complaint concerns an alledged violation, misinterpretation, or misapplication of a contract. The procedure generally provides for discussions of the grievance at progressively higher levels of management authority, with arbitration typically being the last step.

Guaranteed employment - A plan established by an employer or through employer-union negotiations, whereby employees are assured a specified number of days' work per week or weeks per year or the equivalent in wages.

Guaranteed wage rate - The base rate or other established minimum which is guaranteed under most incentive wage systems regardless of actual output.

H:

Hearing - A meeting during which argument and testimony are taken to develop a factual record relevant to the issue(s) in representation.

Hiring freeze - No new employees are added to the work force.

I:

Illegal strike - A work stoppage forbidden by law because specified legal procedures have not been followed prior to the stoppage or because of an injunction forbidding the stoppage. Can also refer to a stoppage which has not been authorized by proper union officials or voted on, in accordance with union rules, by union members.

Immunity clause - A contract clause designed to protect a union from suits for contract violation growing out of unauthorized strikes.

Impartial chairman - An outside person employed jointly by union and employer, usually for a definite period of time, to assist in negotiating and administering the collective agreements. After contract is negotiated, it is function of impartial chairman to see that both parties observe terms of the contract and to make final decisions as to interpretation or application.

Impasse - That point in the negotiations at which either party determines that no further progress in reaching an agreement can be made. Technical impasse refers to point at which agreement is supposed to be reached but has not, and parties continue to bargain in good faith.

Improper practice - Conduct prohibited by statute or administrative regulation. The term is also used in public employment relations for unfair labor practice.

Increment - One of a series of wage levels in a range between the maximum salary and the minimum salary specified for a particular job classification.

Individual bargaining - The process of negotiation which takes place between the individual employee and his employer. When collective bargaining was not widespread, individual bargaining prevailed.

Individual employee grievances - The right of an individual employee, under the terms and conditions of the collective bargaining agreement, to process his grievance outside the normal grievance machinery. The settlement which the individual employee receives may not violate the terms of the collective bargaining and the union usually must be notified and given the opportunity to have its representative present at the time the final settlement is reached.

Industrial relations - General term covering matters of mutual concern to employers and employees; the relationships, formal and informal, between employer and employees. See also Labor Relations.

Initiation fee - Fee required by unions for membership. If such fees are ruled excessive or discriminatory by a labor board or court, an employer may not be held to the obligation, under a union shop, of discharging employees who do not join the union.

Injunction - A mandatory court order to perform or cease a specified activity usually on the ground that the complainant will suffer irreparable injury from unlawful actions of the other party.

Instant tenure - A term used to describe contract provisions by which all bargaining-unit members, from the moment of appointment, are equally protected from dismissal.

Interest arbitration - See Arbitration, Interest.

Interference - Interference with the right of employees to self-organization and to bargain collectively.

Interim agreement - A memorandum of agreement designed to avoid a strike or other job action and/or to maintain conditions of employment until the final contract is signed.

J:

Job action - Concerted action by employees against the employer, usually at the point of impasse in contract talks. If the current contract contains a "No Strike" clause, job action can take the form of picketing, slowdown, or other similar protest.

Job security - Contract provisions that protect employees from dismissal, usually through a seniority system. In higher education, job security often includes a traditional or expanded tenure system.

Joint bargaining - Process in which 2 or more unions join forces in negotiating an agreement with a single employer.

Joint council - A body consisting of representatives of union and employer associations which exists to settle disputes arising out of a contract.

Judicial review - Proceedings before courts for enforcement or setting aside of orders of labor relations boards.

Junior colleges - Public and private 2-year colleges.

Jurisdiction - Right claimed by union to organize class of employees without competition from any other union; province within which any agency or court is authorized to act.

Jurisdictional dispute - Disagreement among unions as to who should represent a group of workers, or disagreement about the right of employees to perform certain types of work. If conflict develops into a work stoppage, it is called a jurisdictional strike, which is usually illegal.

L:

Labor grade - The category to which a particular job is assigned on the basis of skill, experience and other requirements, each grade having progressively higher minimum and maximum wage rates, to simplify wage structure and transfers of personnel.

Labor laws - Usually applied to federal or state legislation aimed at improving the conditions of workers or protecting the rights of labor unions.

Labor lobby - The arm of a labor organization or coalition of organizations that tries to influence state or federal legislations to enact and support labor-sponsored legislation.

Labor-Management Relations Act (Taft-Hartley Act) - A federal statute passed in 1947 amending the Wagner Act of 1935. Among the important provisions of the law are: (1) closed shop is outlawed; (2) government authorized to seek an injunction preventing any work stoppage for 80 days in strike that imperils nation's health and welfare; (3) unions are prohibited from using union funds in connection with national elections; (4) unions must file financial statements with the Department of Labor and the membership; (5) the states are authorized to pass right-to-work laws.

Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act) - A federal statute, passed in 1959, designed to rid unions of corruption and to ensure internal union democracy. Contains a "bill of rights" for union members, regulations concerning trusteeships, conditions to be observed in elections of union officers, and a definition of the fiduciary obligations of union officers.

Labor movement - General term usually applied to organized labor and its growth, structure, and activities, but may sometimes refer to all concerted economic, political and social activities of organized employees.

Labor organizer - A person employed by a union to enlist the employees of a particular employer or region in the union.

Labor relations - A general term used in connection with any or all matters of mutual concern to employers and employees. Sometimes given a more limited meaning to indicate the kind of recognition in effect between an employer and union.

Labor Relations Board - State or federal agencies which primarily handle labor relations. Usually handle unfair labor practices, and supervise representation elections.

Landrum-Griffin Act - see Labor-Management Reporting and Disclosure Act.

Last best offer - A method of interest arbitration in which each party submits a "last best offer" to the arbitrator, who chooses one of these offers as his final decision. He is not allowed to make a compromise between the two offers. The intent of this method is to increase the risk to the parties if they do not settle by themselves and to spur negotiated agreements.

Layoff - Shifting or eliminating faculty members because of institutional financial exigency, reallocation of resources, reorganization, or curtailment of programs. Laid-off employees usually retain seniority rights.

Leave of absence - Allowed time off from a job with the right of reinstatement and without loss of seniority.

Legally required benefits - Employee-benefit programs to which employers must contribute, or insurance that they must purchase for employees according to law, e.g., social security.

Living document - Terms of an agreement, particularly a long-term agreement, that are subject to review and renegotiation by the parties if conditions change or unforeseen events come about, despite the absence of a reopening clause.

Local, local union - The local chapter or affiliate of a national or international labor organization.

Lock-out - Closing down of a business or university, for example, as a form of economic pressure upon employees to enforce acceptance of employer's terms.

Long-term contract - Generally, a collective bargaining agreement with a duration of 2 or 3 years or longer as distinguished from a 1-year agreement.

M:

Maintenance of membership - Union-security agreement requiring that employees who are members of a union on specified date, or thereafter become members, remain members for the duration of the contract as a condition of employment.

Make whole - The recourse available to individual who has been discriminated against by an employer through an illegal act, e.g., reinstatement to job.

Management prerogatives - Rights that employers feel are exclusively their own and hence not subject to collective bargaining and negotiations. Often include the right to determine the services necessary to maintain efficiency and order, and to hire and direct the work force.

Management-rights clause - Collective bargaining contract clause that expressly reserves for management certain rights and specifies that the exercise of those rights shall not be subject to the grievance procedure or arbitration. A special problem in faculty negotiations because of indistinct meaning of "management" rights.

Mandatory subjects of bargaining - Primarily economic subjects that must be negotiated if one party so desires.

Master contract - A single collective bargaining contract that sets forth salary, working conditions, etc., for all employees in the bargaining unit but allows individual agreements with employer on certain matters.

MED-ARB - An impasse procedure which operates as a combination of mediation and arbitration. In this process the neutral acts as a mediator on as many issues as possible but has the authority to act as an arbitrator on issues left unsettled. Whatever is settled by mediation becomes part of the arbitrator's decision and is written up as a decision.

Mediation - A method of resolving an impasse in negotiations in which a third party, agreeable to both sides, assists union and employer in coming to an agreement. Unlike arbitrators, mediators cannot make binding settlements.

Meet and confer - Some state public sector labor laws allow employees to confer as a group with management over compensation, working conditions, etc., but do not require employer to agree to a contract. See Enabling Legislation.

Merit rating - A formalized periodic rating of employees' efficiency and other qualifications used as a basis for wage increases, promotions and, in some plants, as one factor taken into consideration to determine order of layoff.

Minimum wage - Lowest wage rate allowed by either federal or state law.

Minority union - A union which does not have exclusive bargaining rights because it has not been able to win the support of majority of the employees in a particular unit. Maintains its group identity and may in fact be recognized by the employer as the representative of a minority of workers.

Model agreement - A collective bargaining agreement sometimes recommended by an employee organization to its locals to serve as a standard agreement for a certain geographic area or industry.

Modified union shop - An agreement between an employer and a union requiring all present members to retain their membership and all new employees to become members, but does not require employees who were not members at the time the agreement was signed to join the union.

Monitorship - Supervision or surveillance of a union by an outside party, usually for a limited time, imposed by order of a court or parent union organization.

Multi-unit bargaining - Collective bargaining between a union which represents many bargaining units and an employer or group of employers.

N:

NEA - The National Education Association - A union that represents the largest number of faculty members in collective bargaining.

National Labor Relations Act (Wagner Act) - Federal law passed in 1935 which guaranteed workers the right to organize and join unions and to bargain collectively. "It is the basis for government oversight of labor relations between private employers, including private colleges and universities, and their employees."

NLRB - National Labor Relations Board - Created by N.L.R.A. to oversee labor relations.

National union - A union having broad regional coverage with numerous affiliated locals.

Negotiating committee - Committee of a union or an employer selected to negotiate a collective bargaining contract.

Negotiating ranges - The range, including a minimum and maximum level, set by each of the parties to collective negotiations, within which they are willing to reach a settlement on any one particular issue, and beyond which it is more desirable to strike.

Negotiation - The process by which representatives of labor and management bargain to set conditions of work, e.g., wages, hours, benefits, working conditions, and the machinery for handling grievances.

Neutrals - General term covering mediators, fact-finders, arbitrators, and other individuals who might assist the parties in their bargaining or contract administration efforts.

No-agent vote - An option available in collective bargaining elections that indicates a desire not to be represented by a bargaining agent.

No-raiding agreement - Jurisdictional agreements between national or international unions in which they agree not to pressure or entice workers to leave a union which has an established bargaining relationship with the employees in order to join another.

No-strike clause (and no-lockout clause) - Provision in a collective bargaining agreement in which employee organization agrees not to strike and employer agrees not to lock-out employees for the duration of the contract.

Non-binding arbitration - Arbitration in which neither employees nor management is obliged to abide by the decisions of a third party called in to mediate a labor dispute. See also Arbitration, Fact-finding, Mediation.

Noncontributory welfare plan - A health or pension program, financed entirely by the employer, for the benefit of employees.

Non-reappointment - Not renewing the contract of an untenured or probationary faculty member. Non-reappointment usually involves a decision not to grant tenure, takes effect at the end of the teacher's contract, and differs from dismissal, which is immediate.

Non-teaching professional - That group of people who do not teach but who hold professional positions in a college or university. Examples include librarians and admissions counselors.

Norris-LaGuardia Act - see Anti-Injunction Law.

O:

Open-end agreement - A collective bargaining agreement which has no fixed termination date but which is in effect indefinitely, subject to a specified number of days' notice by either party that it considers the agreement at an end.

Open shop - Opposite of closed or union shop; employees are not required to join or pay fees to a union.

Organizational picketing - Picketing of an employer in an attempt to induce the employees to join the union.

Outlawed strike - Strike forbidden by law.

P:

Package increase - A combination of benefits including wage increases.

Partial strike - A work stoppage by key employees in an operation in order to put economic pressure on the employer.

Past practice clause - A clause in a contract stating that previous practices of the employer will continue unless they are modified by contract. In higher education, such a clause is commonly used to continue faculty participation in campus governance. The opposite of a zipper clause.

Performance evaluation - The evaluation of occupational or educational merits. Usually used for decisions regarding promotion, tenure, or non-renewal.

Permanent arbitrator - An arbitrator who is appointed under the terms of a collective bargaining agreement for a specific time period to hear all grievance arbitrations during that time. The value of a permanent arbitrator is the speed with which he can render decisions, the consistency of his decisions, and the probability that his decisions will be more acceptable than those of a "stranger" arbitrator.

Permissive subjects of bargaining - Subjects not covered in mandatory subjects, but not illegal. Parties may bargain these issues only if both sides wish to do so.

Picketing - A person or persons posted by a labor organization at the approach of a work place during a labor dispute for the purpose of (a) informing the public and employees that a dispute exists, (b) persuading workers to join or continue the strike or boycott, (c) preventing persons from entering or going to work.

Political expenditures - The money spent by unions or management to influence the nomination and election of political officials. Such expenditures are forbidden by the Federal Corrupt Practices Act unless, in the case of unions, they are made from voluntary contributions of union members rather than from union dues.

Portable pensions - Pension plans which increase the mobility of employees by allowing them to transfer earned pension credits from one employer to another.

Preferential hiring - Agreed-upon arrangement whereby the employer gives preference in hiring to union members, to applicants with previous training and experience in the industry, to workers displaced from another plant or from another part of a particular plant, or by order of the NLRB to employees found to be discriminatorily discharged.

Preferential shop - An agreement between an employer and union whereby union members are afforded preference over non-members in some aspect of employment; for example, the last to be laid off and the first to be rehired.

Preventive mediation - Procedures designed to anticipate and study potential problems of employment relations. These procedures may involve early entry into a resolution of employment disputes before a strike threatens.

Probationary employee - A new employee on a trial basis who is usually not covered by seniority or other protective rules and, under most union-shop arrangements, is not required to join the union.

Probationary faculty - Faculty members who are awaiting tenure.

Professional employee - As defined by the N.L.R.A. - Any employee whose work is predominantly intellectual and varied in character, involves the consistent exercise of discretion and judgment, and required knowledge of an advanced nature in the field of physical, biological, or social science, or in the field of learning. (Work is of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time.) Employees qualifying as "professional" under Sec. 2(12) of the Taft-Hartley Act may not be included in a unit containing non-professional employees unless the professional employees so elect.

Professional sanctions - Techniques to bring pressure upon an employer which were developed by the National Education Association as alternatives to the strike sanctions include the following: publicity directed at unsatisfactory working conditions; recommendations that members of the profession refuse to accept employment with the employer; censure, suspension, or expulsion of members who take jobs with the employer; organized campaigns to arouse public opinion and political action to force change.

Progression wages - Graduated wages, within specifice limits for each job, based on length of service or merit ratings in contrast to increased wages resulting from promotions to higher jobs.

Q:

"Quickie" strike - A spontaneous stoppage of work by a group of employees without the sanction or approval of the union; also known as a wildcat strike.

R:

Raiding - An organization's attempt to enroll members of another organization or employees already covered by an agreement negotiated by another organization, with the intent to usurp the latter's bargaining relationship.

Rank and file - Members of a union other than the officers.

Ratification - Formal approval of a newly negotiated agreement by vote of the organization members affected.

Recall - Process of reinstating laid-off employees usually based on the same principles that governed order of layoff in inverse order (e.g., last worker laid off is first to be rehired).

Recognition - The acceptance by an employer of an employee organization as the majority representative of employees in an appropriate unit. Recognition is a major step in the establishment of a collective bargaining relationship and usually follows an election in which the majority of employees have selected an organization to represent them. Under certain conditions, employers may also voluntarily recognize an organization without an election or official certification.

Refusal to bargain - Findings made by the administrative agency indicating that either the employer or the union has failed to bargain "in good faith" according to the requirements of the statute.

Reinstatement - Return to employment of persons unlawfully discharged.

Renewal clause - The section of a collective bargaining agreement which provides for the automatic extension of the agreement, usually on a year-to-year basis.

Re-opening clause - A provision in a collective bargaining agreement stating the time or the circumstances under which negotiations can be requested prior to the expiration of the contract. Re-openings are usually restricted to specific wage issues and not used for the contract as a whole.

Representation proceeding - A procedure for the purpose of determining the majority representative of employees, if any, in an appropriate collective negotiating unit.

Retirement, compulsory - A provision in collective bargaining agreements or employer policy which compels retirement of employees at a fixed age.

Retrenchment - Refers to the layoff of academic personnel or the curtailment of academic programs due to the loss of enrollment or financial exigencies.

Retroactive pay - A delayed wage payment for work done previously at a lower rate. Income due workers when a new contract provides for a wage increase for work completed prior to the time the contract goes into effect.

Right-to-bargain - The collective bargaining rights of a labor organization as provided for by federal and state law. It obtains these rights when it has been recognized and certified as the collective bargaining agent for employees in the bargaining unit. The right to bargain is retained as long as it is supported by a majority of the unit.

Right-to-organize - The right to be free from interference or retaliation of any kind by the employer; one of the basic rights given to employees under collective bargaining legislation.

Right-to-work - A term describing laws which ban union-security agreements by forbidding contracts making employment conditional on membership or non-membership in labor organizations, i.e., a term banning union-security agreements, such as union and agency shops.

Right-to-work laws - State laws which make it illegal for a collective agreement to contain union shop, maintenance of membership, preferential hiring, or any other clauses calling for compulsory union membership. State legislatures were authorized to pass such laws by the Taft-Hartley Act of 1947.

Ripple effect - The impact of a negotiated wage increase or other economic benefit upon the expectations of other employees who are not covered by that collective bargaining agreement but who work under the same employer.

Rival union dispute - A dispute between two or more unions over which one shall represent a particular group of workers as their collective bargaining agent. A rival union dispute differs from a jurisdictional dispute in that the latter is concerned with claims to jobs or kinds of work, whereas in a rival union dispute the unions acknowledge no jurisdictional boundaries between them but each is contending for the right to represent the workers on the jobs.

Run-off election - Second election directed by a labor board when the first election failed to produce a majority vote for any one choice presented.

S:

Sabbatical leave - A leave of absence granted a faculty member after a period of service, usually seven years.

Scab - An employee who continues to work during a strike; also a person who accepts employment in a non-union shop or under non-union conditions at a time when the union is trying to organize the industry.

Scope of bargaining - The actual subject matter which management and employee organizations bring within the area of the collective bargaining agreement. Two kinds of bargainable issues - mandatory and permissive.

Secondary strike - A strike against an employer who uses or sells materials from a struck plant; differs from a sympathetic strike in that there is a business connection between the employers involved in the initial and the secondary strikes.

Separability clause - A stipulation in an employer-union agreement which protects the validity of the remainder of the contract should any particular provision be declared illegal or void for any reason.

Settlement agreement - Terms agreed upon in the settlement of charges before the NLRB without a full-dress hearing, decision, and order. To be binding, such agreements must have the consent of the NLRB.

Severance pay - A lump sum paid to a worker who has been permanently separated from the job due to a reduction of the work force, the elimination of certain job classifications, or any reason for which the worker is not responsible.

Showing of interest - Support union must show among employees in bargaining unit before NLRB will process union's election petition. The Board requires a union seeking a representation election to make a showing of interest among 30 percent of the employees in the bargaining unit.

Standard agreement - A collective agreement prepared by the national union for use by its locals. The purpose of a standard agreement i to relieve the locals of the task of drafting their own agreements while promoting the standardization of working conditions throughout the industry.

State arbitration statutes - Are of three general types: (1) general statutes designed primarily for commercial disputes some of which may be used for labor disputes; (2) special labor arbitration statutes, which contain some detail as to procedure; and (3) statutes which merely "promote" arbitration by charging a state agency to encourage its use.

Strike - Concerted cessation of work as a form of economic pressure by employees, usually organized, to enforce acceptance of their terms. (See also Strike, Illegal Strike, Sympathetic Strike).

Strike notice - Any type of notice that must be filed with a state or federal agency stating that negotiations have come to an impasse and a strike is pending.

Strike vote - Balloting or canvass on question of calling a strike.

Student employment - For the purposes of this bibliography, graduate student employment that might have a collective bargaining relationship, such as teaching assistants and research assistants.

Submission - A submission (sometimes called a "stipulation" or an "agreement to arbitrate") is used where there is no previous agreement to arbitrate. The submission, signed by both parties, describes an existing dispute, and often also names the arbitrator.

Sunshine bargaining - See Goldfish bowl bargaining.

Supervisor - As defined by the N.L.R.A. - Any individual having authority in the interest of the employer to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, to adjust their grievances, or effectively recommend such action. Under most labor laws, supervisors may not be included in a bargaining unit with employees they supervise.

Sympathetic strike - A strike of workers who are not directly concerned with the matter in dispute but have participated in order to demonstrate worker solidarity and thus broaden the group pressure upon the employer against whom there is a strike for a specific cause.

T:

"Tandem" wage increase - An increase automatically given a group of employees as the result of an increase negotiated with another group. For example, a pay increase to office workers similar to that negotiated with production workers.

Taylor Law - The popular name of New York State's public employee collective bargaining statute, enacted in 1967.

Temporary employee - One who is employed for a short period of time and who therefore does not have seniority rights or other privileges incident to permanent status. Under union-shop agreements, may be given a working permit in lieu of union membership.

Tenure - Long-term job security and salary rights given to a faculty member upon his completion of a probationary period. Generally granted to faculty members after three to six years of service in an institution, protecting them from dismissal for all but gross violations of law and ethics.

Tenured-in - A situation in which the number of tenured faculty members prohibits the infusion of new teachers.

Top-down contract - A collective bargaining agreement reached between an employer and the head of the union without the participation of the rank and file through either a negotiating committee or a ratification procedure.

U:

Umpire - An outside person employed jointly by the union and the employer, usually for a definite period of time, to whom final decisions disputes over the interpretation or application of provisions of the agreement are referred. Although arbitrator, impartial chairman, referee, and umpire are sometimes used indiscriminately, the latter three are more commonly applied when such persons serve in a permanent capacity as distinguished from an arbitrator who is appointed to settle a particular dispute.

Unauthorized strike - A strike by employees contrary to the advice or without the consent of their union.

Unfair employment practice - Discrimination in employment based on race, color, religion, sex, or national origin. Forbidden by federal and some state laws.

Unfair labor practice - Practice forbidden by the National and several State Labor Relations Acts. Common unfair labor practices include an employer's dominating or supporting a union, or threatening employees with reprisals if they choose to unionize.

Union - Labor organization.

Union dues - Monthly sums paid by union members to their local unions. The amount of the dues is sometimes set by the international union, but more often by the local.

Union jurisdiction - The types of work, or entire industry, which a union claims or which its federated body (A.F.L. - C.I.O.) has assigned to it, as a basis for its membership. (See Jurisdictional Disputes).

Union organizer - Member of a staff of a local or international union whose function, among others, is to recruit new members.

Union security clauses - Provisions in a collective bargaining agreement designed to secure the status of the employee organization against employers, non-union employees, and/or raids by competing organizations. Some devices are agency, closed, and union shops, and maintenance-of-membership provisions.

Union shop - Arrangement with a union by which employer may hire any employee, union or non-union, but the new employee must join the union within a specified time and remain a member in good standing.

Union steward - A union representative usually elected by the employees to help them with grievances and convey information to union officials or administrators. The union or "shop" steward continues to work for the employer, while handling union duties.

Unit - Shortened form of "unit appropriate for collective bargaining." It consists of all employees entitled to select a single agent to represent them in bargaining collectively. Often called the bargaining unit.

Unit determination - The process by which certain employees are grouped into a unit to select a single bargaining agent to represent them in collective bargaining negotiations. Determination is based on several criteria such as community of interest, employee desires, collective bargaining history, and the administrative organization of the employer.

Up-or-out rule - A practice, used by most colleges, under which faculty members who are not granted tenure after a specified period are automatically dismissed. See also Non-reappointment, Probationary Faculty.

V:

Vesting rights (vested rights) - Applicable to many pension or retirement plans. Refers to the pension rights which permit employees to terminate employment before attaining retirement age, but without forfeiting accrued pension financed through employer contributions.

Voluntary recognition - See Recognition.

W:

Wage award - The specified wage rates determined by an arbitrator or government agency.

Wage reopener - A clause in the contract allowing re-opening of negotiations on wages after a certain time, or dependent on certain conditions, even though the contract has not terminated.

Wagner Act - See National Labor Relations Act.

Walkout - Often a synonym for a strike; sometimes a synonym for a wildcat or quickie strike.

Wildcat strike - A work stoppage, usually spontaneous, by a group of organized employees without the authorization or approval of the employee organization.

Work jurisdiction - Right claimed by union under its charter to have its members and no others engaged in certain work. (See Jurisdictional Dispute).

Work load - The quantitative measure of an hour's or a day's performance on a job. The term is usually applied to a standard of output which is supposed to represent reasonably efficient production without risk to health or safety.

Work permit - Card issued by union having closed shop to show permission that holder, though not a full-fledged union member, may be employed under contract.

Work rules - Rules regulating on-the-job conditions of work, usually incorporated in or referred to by the collective agreement.

Work stoppage - A temporary halt to work, initiated by workers or employer, in the form of a strike or lockout.

Written grievances - Grievances which must be written out; required in most collective bargaining agreements.

Z:

Zipper clause - Clause that seeks to close all employment terms for the duration of the labor contract by stating that the agreement is "complete in itself" and "sets forth all terms and conditions" of the agreement. The opposite of a past-practices clause.

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ACRONYMS - ABBREVIATIONS

AAA - American Arbitration Association
AAHE - American Association for Higher Education
AAJC - American Association of Junior Colleges
AASA - American Association of School Administrators
AAUP - American Association of University Professors
ABA - American Bar Association
ACBIS - Academic Collective Bargaining Information Service
ACCF - Associated Community College Faculties
ACE - American Council on Education
ACRL - Association of College & Research Libraries
AFGE - American Federation of Government Employees
AFL - American Federation of Labor
AFL-CIO - American Federation of Labor - Congress of Industrial Organizations
AFSCME - American Federation of State, County and Municipal Employees
AFT - American Federation of Teachers
AHA - American Hospital Association
AMA - American Management Association
AUT - Association of University Teachers

BLS - Bureau of Labor Statistics
BNA - Bureau of National Affairs
BSEU - Building Service Employees Union

CAPE - Coalition of American Public Employees
CAUT - Canadian Association of University Teachers
CCHE - Carnegie Commission on Higher Education
CLC - Cost of Living Council
CPI - Consumer Price Index
CSC - Civil Service Commission
CSEA - Civil Service Employees Association

ECS - Education Commission of the States
EEOC - Equal Employment Opportunity Commission
ENS - Educators Negotiation Service
EOC - Equal Opportunity Commission
ERB - Employment Relations Board (preceded by state's initials)
ERIC - Educational Resources Information Center

FEP - Fair Employment Practice
FLRC - Federal Labor Relations Council
FMCS - Federal Mediation and Conciliation Service

GAW - Guaranteed Annual Wage
GERR - Government Employee Relations Report (BNA)
GNP - Gross National Product

IBEW - International Brotherhood of Electrical Workers
IBTU - International Building Trades Unions
IBUE - International Brotherhood of University Employees
IUEW - International Union of Electrical, Radio and Machine Workers
IUOE - International Union of Operating Engineers

LA - Labor Arbitration and Dispute Settlements (BNA)
LAIRS - Labor Agreement Information Retrieval System (Civil Service Commission)
LIU - Laborers' International Union
LMRA - Labor Management Relations Act
LMRS - Labor - Management Relations Service
LRB - Labor Relations Board
LRR - Labor Relations Reporter (BNA)

NAA - National Academy of Arbitrators
NACUA - National Association of College and University Attorneys
NACUBO - National Association of College and University Business Officers
NAGE - National Association of Government Employees
NCSCBHE - National Center for the Study of Collective Bargaining in Higher Education
NEA - National Education Association
NLRA - National Labor Relations Act
NLRB - National Labor Relations Board
NUHHCE - National Union of Hospital and Health Care Employees
NUSOG - National Union of Security Officers and Guards
NYSLRB - New York State Labor Relations Board
NYSUT - New York State United Teachers

OER - Office of Employee Relations
OFCC - Office of Federal Contract Compliance
OPEIU - Office and Professional Employees International Union
OSHA - Occupational Safety and Health Administration

PERB - Public Employment Relations Board
PERC - Public Employment Relations Commission

RDTEU - Research, Development and Technical Employees Union

SCMEU - State, County and Municipal Employees Union
SEIU - Service Employees International Union
SFLRP - Society of Federal Labor Relations Professionals
SPIDR - Society of Professionals in Dispute Resolution

UFCT - United Federation of College Teachers
UFT - United Federation of Teachers

RESOURCES AND PERIODICALS

(Underlined indicates
Indexes or Abstracts)

AAUP Bulletin (q)*
AGB Reports (Assoc. of Governing Boards of Universities and Colleges)
AHE College and University Bulletin (2/m)
Administrative Science Quarterly
American Association of University Women Journal (6/yr)
American School and University (m)
The American Teacher (AFT) (10/yr)
Arbitration in the Schools (AAA) (m)
Arbitration Journal (AAA) (q)

Canadian Association of University Teachers (CAUT) Bulletin
Canadian Education Index (m)
Change (10/yr)
The Chronicle of Higher Education (w)
College and University Journal (bi/m)
Community College Frontiers
Community College Review
Compact (bi/m)
Current Index to Journals in Education (ERIC) (m)

Dissertation Abstracts (m)

Education Index (m)
Educators Negotiating Service (bi/m)
ERIC Higher Education Research Currents (AAHE) (m)
ERIC Higher Education Research Reports (AAHE) (10/yr)

Harvard Educational Review (bi/m)
Higher Education and National Affairs (ACE) (w)
Higher Education Daily

Industrial and Labor Relations Review
Industrial Relations (U. of Calif.)

Journal of Collective Negotiations in the Public Sector (q)
Journal of College Student Personnel
Journal of Higher Education (m)
Journal of Medical Education (m)
Journal of the College and University Personnel Association (q)

*( ) frequency of publication

Resources and Periodicals (cont'd)

LMRS Newsletter (m)
Labor Arbitration in Government (AAA) (m)
Liberal Education (q)
Library Literature (m)

NACUBO National Association of College and University Business Officers (m)
NEA Advocate (m)
NEA Reporter (m)
National Center for the Study of Collective Bargaining in Higher Education
Annual Conference Proceedings (a)
Newsletter (5/yr)

PERB News (N.Y.) (m)
Personnel (AMA) (6/yr)
Personnel Administrator
Phi Delta Kappan (m)
Public Affairs Information Service (PAIS)
Public Personnel Management (bi/m)

Research Project on Students and Collective Bargaining (m)
Resources in Education (ERIC) (m)

Sociology of Education (bi/m)

Legal Periodicals

Alabama Lawyer (q)
American Bar Association Journal (m)
Annual Survey American Law

Case Western Reserve Law Review
College Law Bulletin (10/yr)
The College Law Digest (NACUA) (bi/m)
Columbia Law Review (q)

DePaul Law Review (3/yr)
Drake Law Review

Georgia State Bar Journal (q)

Harvard Journal on Legislation (q)
Harvard Law Review (m)

Index to Legal Periodicals
Indiana Law Journal
Iowa Law Review (6/yr)

Journal of College and University Law (NACUA) (q)
(formerly College Counsel)
Journal of Law and Education (q)
Journal of Public Law (s/a)

Labor Law Journal (irreg.)

Marquette Law Review (q)
Maryland Law Review (q)
Massachusetts Law Quarterly
Michigan Law Review (m)
Mississippi Law Journal (q)
Missouri Law Review (q)

New York University Law Review (bi/m)
North Carolina Law Review (irreg.)

Ohio State Law Journal (q)

Southwestern Law Journal (q)
Syracuse Law Review (q)

Tennessee Law Review (q)
Texas Southern University Law Revies

Law Periodicals (cont'd)

University of Chicago Law Review (q)
University of PIttsburgh Law Review (q)
University of Toledo Law Review

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